

Russell L. Hollenbach, Jr.

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<p>1 A. She would come to the games, school 2 activities. 3 Q. And what did Mr. Clymer tell you? You talked 4 with the Smiths. 5 A. Yes. At some point in our conversations I was 6 informed of the amount of texts, that there was no 7 content. 8 Q. Did he tell you why? 9 A. Because she had deleted them all. 10 Q. Okay. 11 A. And that her parents were going to retrieve 12 them. 13 Q. Retrieve what? 14 A. The context of the texts, the deleted texts. 15 Q. Okay. 16 A. That there were two other girls' names 17 mentioned. 18 Q. Were those Lauren Fretz and Kristen Kennedy? 19 A. Yes. 20 Q. Mentioned by whom? 21 A. In his investigation. I don't know who told 22 him. 23 Q. Did he tell you he had spoken to them? 24 A. Yes.</p>	<p>1 A. I don't know if I can time line what happened 2 when he called me and. . . 3 Q. Because you never made any notes of anything, 4 correct? 5 A. Yes. 6 Q. And you never made any written notes to 7 yourself or even to the athletic department or any type 8 of written material talking about this investigation, 9 correct? 10 A. Correct. 11 Q. So, let's get this straight: After the first 12 discussion with Mr. Clymer, there could have been a 13 number of telephone conversations leading up to the 14 meeting that you and he had with Mr. Romig in the 15 beginning of January. Is that correct? 16 A. Correct. 17 Q. Fair statement. And you can't distinguish 18 between those telephone conversations, which one 19 happened when and who said what when and whatever. 20 A. Correct. 21 Q. Okay. So, let's talk about whatever number of 22 phone conversations there were. Was there more than 23 one? 24 A. I think there were. I'm not saying there were</p>
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<p>1 Q. Did he tell you what they told him? 2 A. Generally, yes. 3 Q. Tell me. 4 A. That they denied the accusations that they had 5 any inappropriate relationship with Coach Romig. 6 Q. Inappropriate in terms of physical or texts or 7 what? 8 A. I'm not sure what the exact accusations were 9 with them and Eric. 10 Q. Did Mr. Clymer ever tell you that Kristen 11 Kennedy stated that Romig had started asking her 12 questions about her sex life with her boyfriend? 13 A. No. 14 Q. Did you know who her boyfriend was at the 15 time? 16 A. Who Kristen Kennedy's boyfriend was? 17 Q. Yes. 18 A. No. 19 Q. What else did he tell you? What else did Mr. 20 Clymer tell you? 21 A. I think it's -- it's the same conversation or 22 it's another one. It could have been a couple 23 conversations. 24 Q. Let's just get that straight.</p>	<p>1 five, but there were a couple. So, over the Christmas 2 vacation, before school resumed after January 1st, you 3 had a number of phone calls, as many as five, with Mr. 4 Clymer where he kept you updated as to the 5 investigation he was conducting, correct? 6 MR. KEMETHER: Objection to form. You 7 can answer. 8 THE WITNESS: Correct -- not five, but 9 maybe two or three. 10 MR. GROTH: Okay. 11 BY MR. GROTH: 12 Q. So, so far you said you talked to the Smiths 13 about the amount of texts. What did he tell you? What 14 did Mr. Clymer tell you in these conversations about 15 the amount of texts that we're talking about? 16 A. That there were thousands -- a couple 17 thousand, I believe was the number. 18 Q. Does that surprise you? 19 A. Yes. 20 Q. Shock you? 21 A. Surprise. 22 Q. Did it make you suspect that maybe some of 23 that activity was inappropriate? 24 A. Make me suspect? I wasn't drawing any</p>

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<p>1 conclusions at that point. I didn't know what they</p> <p>2 said.</p> <p>3 Q. Did you know of any legitimate reason why</p> <p>4 there would be thousands of texts going between Emily</p> <p>5 Mayer and Eric Romig?</p> <p>6 A. Legitimate reason?</p> <p>7 Q. Yes.</p> <p>8 MR. KEMETHER: Objection to form. You</p> <p>9 can answer if you're able.</p> <p>10 THE WITNESS: I don't know of any</p> <p>11 reason why they were texting.</p> <p>12 MR. GROTH: Okay.</p> <p>13 BY MR. GROTH:</p> <p>14 Q. And Clymer told you that there were no</p> <p>15 contents available and that the parents were going to</p> <p>16 retrieve the contents or the logs of the dates and</p> <p>17 times of the texts?</p> <p>18 A. I thought the content -- they already had the</p> <p>19 log, I believe. At some point they had the log. They</p> <p>20 knew what the texts -- the days and times, that was</p> <p>21 known, to my understanding. I never saw any of that.</p> <p>22 It was just to my understanding.</p> <p>23 Q. So, Mr. Clymer must have told you that --</p> <p>24 A. Yes.</p>	<p>1 Q. And did Mr. Clymer tell you where he got the</p> <p>2 information to go talk to Lauren Fretz or Kristen</p> <p>3 Kennedy?</p> <p>4 A. No.</p> <p>5 Q. Did you ask?</p> <p>6 A. I can't recall that I asked.</p> <p>7 Q. What else did Mr. Clymer tell you about his</p> <p>8 investigation prior to the time where you and he and</p> <p>9 Mr. Romig actually met?</p> <p>10 A. He sought our legal counsel.</p> <p>11 Q. Who was that?</p> <p>12 A. I believe Jeff Drake.</p> <p>13 Q. Did he tell you about his conversation with</p> <p>14 Mr. Drake?</p> <p>15 A. Very little. The only part I can recall was</p> <p>16 to meet with him, was to meet with Eric.</p> <p>17 Q. Was to what?</p> <p>18 A. That we should meet with Eric.</p> <p>19 Q. So, it was your understanding Mr. Drake told</p> <p>20 Mr. Clymer that the both you should meet with Eric</p> <p>21 Romig, correct?</p> <p>22 MR. KEMETHER: Objection to form. You</p> <p>23 can answer.</p> <p>24 THE WITNESS: Right.</p>
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<p>1 Q. -- that he had logs of these calls.</p> <p>2 A. Yes.</p> <p>3 Q. And that there were thousands of calls.</p> <p>4 A. Yes.</p> <p>5 Q. But it didn't give any content. It just gave</p> <p>6 the date and time of the texts.</p> <p>7 A. Correct.</p> <p>8 Q. And he told you that he talked to two other</p> <p>9 women, either at or graduates of FCA, Lauren Fretz and</p> <p>10 Kristen Kennedy, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Did he tell you he interviewed them on the</p> <p>13 phone or in person?</p> <p>14 A. The one lives in California, so I assumed it</p> <p>15 was on the phone.</p> <p>16 Q. Okay.</p> <p>17 A. I assume over the phone. He didn't say how he</p> <p>18 talked to them.</p> <p>19 Q. And the only information he gave you about</p> <p>20 those phone conversations was that they denied that</p> <p>21 there was any inappropriate activity or whatever</p> <p>22 between them and Mr. Romig, correct?</p> <p>23 A. Right. Whatever the accusation was, they</p> <p>24 denied it.</p>	<p>1 BY MR. GROTH:</p> <p>2 Q. What else?</p> <p>3 A. That was it.</p> <p>4 Q. Did you ever talk to Jeff Drake yourself about</p> <p>5 Emily Mayer?</p> <p>6 A. No.</p> <p>7 Q. Had Mr. Drake represented FCA before?</p> <p>8 A. To my understanding, yes.</p> <p>9 Q. And what type of legal situation?</p> <p>10 A. Oh, I don't know of any specific legal</p> <p>11 situation, just that he was our school legal counsel</p> <p>12 when we needed it -- if and when we needed it.</p> <p>13 Q. Had you ever had any contact with Mr. Drake</p> <p>14 before this?</p> <p>15 A. No.</p> <p>16 Q. What else did Mr. Clymer tell you before your</p> <p>17 meeting with Mr. Romig?</p> <p>18 A. What I told you is it. That's it.</p> <p>19 Q. That's it? Before the meeting with Mr. Romig,</p> <p>20 that's all the information Mr. Clymer gave you about</p> <p>21 his investigation.</p> <p>22 A. Generally speaking -- there is more specifics.</p> <p>23 I can't recall the exact details.</p> <p>24 Q. Well, did he give you any information over the</p>

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<p>1 telephone during these calls that made you or led you 2 to believe that this was a more serious allegation than 3 what you had originally thought? 4 MR. KEMETHER: Objection to form. You 5 can answer if you're able. 6 THE WITNESS: That I thought it was 7 more serious? Yes. 8 BY MR. GROTH: 9 Q. Why did you think it was more serious? 10 A. Because of the other accusations. 11 Q. What accusations? 12 A. Well, there's another two women that were. . . 13 Q. But he didn't tell you anything about what the 14 accusations were with those women, did he? 15 A. Not specifically, no. 16 Q. Did you have any understanding of what the 17 accusations were? 18 A. Something inappropriate. 19 Q. Sexually inappropriate. 20 A. That's assumed. 21 Q. I don't want you to assume anything. I want 22 to know what your thinking was back when you were 23 hearing this about Lauren Fretz and Kristen Kennedy. 24 A. I don't know, then. I don't recall.</p>	<p>1 Q. Were you asked by Mr. Clymer not to contact or 2 talk to Mr. Romig? 3 A. No. 4 Q. Were you asked by Mr. Clymer not to contact or 5 talk to anybody, any potential witness, about this 6 situation? 7 A. No. 8 Q. Did you talk to any of the assistant coaches 9 of Mr. Romig regarding this situation? 10 A. I believe I talked to the one assistant coach, 11 yes. 12 Q. Robin Landis? 13 A. Yes. 14 Q. What was your discussion with Robin Landis? 15 A. I can't recall the specifics. It would be 16 just generally if she had noticed anything herself, saw 17 anything herself that would help the investigation to 18 find the truth. 19 Q. Truth about what? 20 A. What Emily was accusing him of. 21 Q. Well, again, as of the time that you talked to 22 Robin Landis, the only thing that you knew that he was 23 being accused of was excessive texting. Is that 24 correct?</p>
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<p>1 Q. So, in these telephone conversation with Mr. 2 Clymer, there was nothing that he conveyed to you to 3 indicate to you that the allegations Emily Mayer was 4 making against him was that he was texting her with 5 sexually suggestive and inappropriate texts. Is that 6 correct? 7 A. That's correct. 8 Q. And there is nothing he told you in those 9 conversations to let you know that somebody had pointed 10 him in the direction of Kristen Kennedy and Lauren 11 Fretz because there may have been some inappropriate 12 texting or sexual activity between him and them. Mr. 13 Clymer did not tell you that? 14 A. He didn't tell me any specifics. 15 Q. And you didn't ask for any more specifics. 16 A. No. 17 Q. Okay. During that period of time did you have 18 any conversations with Mr. Romig by phone or in person 19 leading up to your meeting with him? 20 A. Not that I recall. 21 Q. Never transmitted any information to him? 22 Never asked any questions? 23 A. Over that Christmas holiday? Not that I 24 recall.</p>	<p>1 A. At the first time, yes. 2 Q. Even after the phone calls there was no 3 discussion with Mr. Clymer about any sexual nature of 4 the texts or sexual activity between Mr. Romig and the 5 other two women, correct? 6 A. Correct. 7 Q. All right. Isn't it true that you knew from 8 Mr. Clymer exactly what the nature of these texts was, 9 that he told you that they were sexually suggestive in 10 nature? 11 MR. KEMETHER: Objection to form. 12 MR. GROTH: You can answer. 13 MR. KEMETHER: Well, you've actually 14 asked and he's answered that, so how many times 15 are you going to do that? Now you're accusing him 16 of something untoward as well. 17 BY MR. GROTH: 18 Q. You can answer. 19 A. Not at that time. 20 Q. At what time did you finally know that? 21 A. I can't recall the exact time where, you know, 22 more of the information came out or was made available 23 to Mr. Clymer. 24 Q. I'm sorry, go ahead.</p>

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<p>1 A. As he had information, and if -- when he told 2 me about it, I can't say the exact day or time of when 3 that happened. 4 Q. But it was before the meeting with Romig. 5 A. I can't recall that it was. 6 Q. So, you may be hearing about these accusations 7 about -- 8 A. At -- 9 Q. Hold on. You may have been hearing about 10 these accusations about sexually suggestive texting and 11 whatever at the meeting with Eric Romig? 12 A. Yes. 13 Q. Okay. So, when you talked to Robin Landis, 14 which is before the meeting with Eric Romig, you didn't 15 know that there was anything other than an excessive 16 amount of texts between the two of them, correct? 17 Between Mayer and. . . 18 A. Correct. 19 MR. KEMETHER: Objection to form. You 20 can answer. 21 BY MR. GROTH: 22 Q. Did she say that she knew that he was sending 23 her any texts at all on issues unrelated to basketball? 24 A. She had no knowledge.</p>	<p>1 Q. Do you know how they were aware? 2 A. I don't know how they were aware. 3 Q. Any other information that you recall that Mr. 4 Clymer gave you prior to meeting with Mr. Romig? 5 A. Any other information? 6 Q. Uh-huh. 7 A. No. 8 Q. Did Mr. Clymer ever tell you that he asked Mr. 9 Romig to turn over his phone to Mr. Clymer to allow Mr. 10 Clymer to look at whatever texts he had on his phone? 11 A. I was aware of that. 12 Q. How were you aware of that? 13 A. Like I say, I don't know exactly when, whether 14 it was at that meeting. It could have been at that 15 meeting. 16 Q. What exactly happened at that meeting in that 17 regard? 18 A. That I was aware that he had asked for Eric's 19 phone. 20 Q. What was the response? 21 A. I believe Eric was willing to -- you know, 22 here's my phone. 23 Q. So, did he turn it over at the meeting? 24 A. I don't think so. I don't recall.</p>
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<p>1 Q. Did you talk to -- there was another assistant 2 coach, wasn't there? 3 A. There was a middle school -- the middle school 4 girls basketball coach sometimes helped, if that's who 5 you were referring to. 6 Q. Who is that? 7 A. Marc Hoover. 8 Q. That's M-a-r-c? 9 A. Yes. 10 Q. Did you talk to him? 11 A. Yes. 12 Q. What did you talk about? 13 A. Again, just asking if he had any knowledge, 14 and in both cases that they needed to talk to Mr. 15 Clymer about anything -- any information regarding the 16 situation. 17 Q. Did either one of them tell you that Mr. 18 Clymer had already contacted them themselves to talk 19 about this issue? 20 A. I can't recall that they did, no. 21 Q. Did it appear to you that they were surprised 22 or didn't know about these accusations Emily Mayer was 23 making until you talked to them? 24 A. No, they were aware.</p>	<p>1 Q. But you recall Clymer asking Romig for the 2 phone. 3 A. I recall a discussion about it, yes. 4 Q. You don't recall how that was resolved. 5 A. I do not. 6 Q. Do you recall Mr. Clymer asking Romig to 7 obtain from his own phone company logs of his text 8 messages for a period of months? 9 A. Yes, same discussion. 10 Q. How that was resolved? 11 A. I don't know if he got them or not. 12 Q. Do you have any information that Mr. Romig 13 ever turned over his phone to anybody at FCA to look at 14 or got logs of his text messages for three or four 15 months before the end of the year in 2009? 16 A. I don't have any information. 17 Q. You never saw them, correct? 18 A. I never saw them. 19 Q. Did Mr. Clymer, to your knowledge, do anything 20 to try to determine whether or not Mr. Romig may have 21 engaged in an excessive texting situation with any 22 other students at FCA other than Emily Mayer? 23 A. Investigate other students? I'm not aware. 24 Q. Not investigate the students. Do you know</p>

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<p>1 whether or not Mr. Clymer -- did Mr. Clymer ever tell 2 you that he is doing things to try to determine whether 3 or not there was a texting issue between Mr. Romig and 4 any other students at FCA? 5 A. No. 6 Q... You've already testified that you never 7 prepared a single document with regard to the Mayer 8 situation or the investigation of the Mayer situation. 9 Have you ever seen a document shown to you by 10 Mr. Clymer or anybody else at FCA that lists the steps 11 taken to investigate that allegation against Mr. Romig? 12 A. No, I have not seen any documentation. 13 Q. Let's go back to Romig exhibit twelve, which 14 we just talked about briefly before. It's the March 15 31, 2010 meeting with representatives of the school and 16 Eric Romig in which you participated, correct? 17 A. Correct. 18 Q. The purpose of that meeting, if I can just 19 summarize it, is to see if Mr. Romig can get back in 20 the good graces of his friends and coworkers and former 21 co-employees at Faith Christian Academy after he 22 resigned in January. Would that be a fair statement? 23 A. Yes. 24 Q. And that was documented, correct?</p>	<p>1 A. Face-to-face, yes. 2 Q. And that took place how long before you 3 actually met with Mr. Romig? 4 A. I can't say how long. 5 Q. It was after -- 6 A... A day or two, a couple days. I mean, it's in 7 that whole same time frame. 8 Q. It was after New Year's Day, right? 9 A. It could have been before that. 10 Q. Okay. You don't recall if it was face-to-face 11 or by phone? 12 A. I don't recall. 13 Q. Tell me about that conversation. 14 A. It was -- the legal counsel was to ask Eric to 15 resign. 16 Q. "Legal counsel" being Jeff Drake. 17 A. Yes. 18 Q. Was Mr. Drake a part of this conversation? 19 A. No. 20 Q. What else did you discuss with Mr. Clymer? 21 A. That was the conclusion. That was it. 22 Q. Did Mr. Clymer tell you why -- strike that. 23 Did Mr. Clymer indicate to you why FCA's legal counsel 24 was going to ask Mr. Romig to resign?</p>
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<p>1 A. Yes. 2 Q. Who documented that? 3 A. Paul Auckland. 4 Q. Do you know if Eric Romig -- I'm sorry, strike 5 that. Do you know if Mr. Clymer was keeping Pastor 6 Auckland advised of the investigation that he was 7 conducting into the Emily Mayer allegations? 8 A. I don't know. 9 Q. All right. So, we've gone from your initial 10 information that you got from Mr. Clymer about the 11 problem with texting with Mr. Romig; a number of phone 12 calls, two or three phone calls, you had Mr. Clymer 13 updating you as to the results of his investigation; a 14 discussion you had with Mr. Romig at an away game about 15 the investigation; and eventually a decision had to be 16 made about what to do about the investigation, correct? 17 A. Correct. 18 Q. Did you have a meeting with Mr. Clymer before 19 the two of you met with Mr. Romig to discuss exactly 20 what you thought should be done? 21 A. A meeting? We talked about it, but we had an 22 official meeting -- face-to-face or on the phone, you 23 mean? 24 Q. Face-to-face, phone, whatever.</p>	<p>1 A. Why? 2 Q. Yes. In other words, what he did, what Mr. 3 Romig did to require his resignation? 4 A. I don't know the conversation between Jeff 5 Drake and Mr. Clymer. 6 Q. No, I'm asking you whether Mr. Clymer told you 7 why a decision was made to ask Eric Romig to resign, 8 based on what conduct of Mr. Romig. 9 A. Based on the amount of texting, and that was 10 his legal advice. 11 Q. Just the quantity of texting, nothing more. 12 A. Yes, because there was no content, as far as I 13 understood. 14 Q. Well, you understood that Emily Mayer met with 15 Ryan Clymer and actually told him what the contents 16 were of the emails, correct? 17 A. At some point, yes. 18 Q. And at some point Emily Mayer's mother sent to 19 Ryan Clymer a two-page document which was marked Romig 20 exhibit six which actually contained on the second page 21 a typed statement by Emily Mayer of the nature and 22 subject of the inappropriate texts that she was being 23 sent by Mr. Romig. 24 My first question to you is to take a look at</p>

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<p>1 this document and tell me whether you've ever seen this 2 before. 3 MR. GROTH: Let me note for the record, 4 also, that the date of the email from Mrs. Smith 5 is December 31st, 2009. 6 BY MR. GROTH: 7 Q. Let me ask you first: Have you ever seen that 8 document before? 9 A. Yes. 10 Q. When did you see it first? 11 A. Meeting with the lawyers over this case, the 12 lawsuit. 13 Q. So, going back to 2009, when the investigation 14 by FCA into Eric Romig was going on, you were not shown 15 that document by Mr. Clymer at that time? 16 A. No. 17 Q. You were not shown that document until after 18 FCA, Mr. Clymer and you were sued? 19 A. Correct. 20 Q. Let me ask you to read to yourself -- I'm not 21 sure if you had a chance to do that -- the allegations 22 that Emily Mayer had made regarding the inappropriate 23 nature of the texts that she was being sent by Eric 24 Romig.</p>	<p>1 Clymer? 2 MR. KEMETHER: Objection to form. You 3 can answer if you're able. 4 THE WITNESS: More reason to suspect. 5 BY MR. GROTH: 6 Q. ... Yes, more reason to suspect that there was ... 7 something inappropriate going on between Mr. Mayer and 8 Mr. Romig than what Mr. Clymer told you. 9 MR. KEMETHER: Same objection. 10 THE WITNESS: Not necessarily, because 11 again it's just her word. 12 BY MR. GROTH: 13 Q. And under FCA's sexual-harassment policy, does 14 it not say that sexual harassment includes making 15 unwelcome sexual advances, engaging in improper 16 physical conduct, making improper comments or innuendo? 17 Is that part of the sexual-harassment policy? 18 A. Yes. 19 Q. Wouldn't these things that Emily Mayer 20 informed Mr. Clymer of fall under the category of 21 improper comments or innuendo? 22 MR. KEMETHER: Objection to the form of 23 the question. There is no indication that Emily 24 Mayer accused him of anything in that document.</p>
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<p>1 Just read those to yourself and I'll ask you a 2 couple questions after that. 3 MR. KEMETHER: I'll object to the form 4 of the question. Certainly please do review. 5 BY MR. GROTH: 6 Q. Have you had a chance to read those? 7 A. Yes. 8 Q. If you had known back in December of 2009 that 9 these are the specific allegations that Mr. Clymer was 10 made aware of regarding the texts sent by Mr. Romig to 11 Emily Mayer, would you have considered this to be a far 12 more serious situation than you were led to believe? 13 MR. KEMETHER: Objection to form. You 14 can answer if you're able. 15 THE WITNESS: Would I have assumed it 16 was more serious? 17 MR. KEMETHER: Same objection. 18 THE WITNESS: It's just her word, but 19 yes, it's serious. But it's still just her word. 20 It's not the printed-out text messages. 21 BY MR. GROTH: 22 Q. Does reading this now give you reason to 23 suspect that there was something more going on between 24 Ms. Mayer and Mr. Romig than you were being told by Mr.</p>	<p>1 BY MR. GROTH: 2 Q. Go ahead, you can answer. 3 A. If they're true. We don't know if -- as far 4 as I understand, I don't know if that's the truth. 5 Q. Was it your understanding at the time that FCA 6 had a responsibility to determine the ultimate truth of 7 the matter, who was lying and who was not lying? 8 MR. KEMETHER: Objection to the form of 9 the question. You can answer if you're able. 10 A. Was it the responsibility of the school to 11 determine the truth? 12 Q. Yes, who was lying and who wasn't lying. 13 A. Yes, I feel we tried. 14 Q. Did you have any understanding back in 2009 as 15 to whether or not, under the law, this type of conduct 16 that is alleged against a teacher was supposed to be 17 reported to the state authorities or the local DA or 18 police department? 19 MR. KEMETHER: Objection to the form. 20 You can answer. 21 MR. SANTARONE: Objection to the form 22 of the question. 23 A. Do I know under the law in 2009. 24 Q. Yes, did you know in 2009.</p>

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<p>1 A. I did not know.</p> <p>2 Q. Was that ever the topic of discussion between</p> <p>3 you and Mr. Clymer, whether or not this information</p> <p>4 should be reported to law-enforcement authorities or</p> <p>5 the State Department of Public Welfare back in 2009?</p> <p>6 MR. KEMETHER: Just so we're clear, the</p> <p>7 information you're talking about is the second</p> <p>8 page of Romig-6?</p> <p>9 MR. GROTH: All information that he</p> <p>10 gathered from Mr. Clymer during the course of his</p> <p>11 conversations with him, including whatever was on</p> <p>12 here.</p> <p>13 MR. SANTARONE: Objection. He never</p> <p>14 saw that.</p> <p>15 MR. GROTH: I understand that, but --</p> <p>16 let me rephrase the question.</p> <p>17 BY MR. GROTH:</p> <p>18 Q. Based upon what Mr. Clymer told you back in</p> <p>19 2009, was it your understanding as a layman, not as an</p> <p>20 attorney, that that type of allegation should be</p> <p>21 reported to outside authorities to investigate, meaning</p> <p>22 the police, the DA or Department of Public Welfare or</p> <p>23 somebody else?</p> <p>24 A. It was not my understanding that we had to</p>	<p>1 A. Not that I recall.</p> <p>2 Q. And you didn't notice anything yourself,</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. How about the Morrisville game you went to?</p> <p>6 Seemed perfectly okay to you.</p> <p>7 MR. KEMETHER: Objection to the form.</p> <p>8 You can answer if you're able.</p> <p>9 BY MR. GROTH:</p> <p>10 Q. Health-wise. I'm not talking being upset</p> <p>11 about the allegations.</p> <p>12 A. Health-wise, yes.</p> <p>13 Q. He wasn't wheezing. He didn't act like he was</p> <p>14 out of breath.</p> <p>15 A. No.</p> <p>16 Q. He didn't complain of headaches.</p> <p>17 A. No.</p> <p>18 Q. He didn't say I have to sit down; he couldn't</p> <p>19 shout or stand up or jump around on the sideline?</p> <p>20 Nothing like that?</p> <p>21 A. Nothing like that.</p> <p>22 Q. You had no reason to believe at that time that</p> <p>23 he had any health issue that was going to adversely</p> <p>24 impact his coaching.</p>
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<p>1 report it.</p> <p>2 Q. Was that ever discussed between you and Mr.</p> <p>3 Clymer, whether or not FCA should report this to any</p> <p>4 outside authorities?</p> <p>5 A. Between me and Mr. Clymer?</p> <p>6 Q. Yes.</p> <p>7 A. No.</p> <p>8 Q. Did Mr. Clymer tell you that he discussed that</p> <p>9 issue with his counsel?</p> <p>10 A. Did he tell me he did?</p> <p>11 Q. Yes.</p> <p>12 A. I can't recall that he told me he did.</p> <p>13 Q. When you talked to the assistant coaches --</p> <p>14 and by the way, you said nobody asked you to do that,</p> <p>15 right?</p> <p>16 A. No.</p> <p>17 Q. You just did it on your own.</p> <p>18 A. As I recall, yes.</p> <p>19 Q. Those are the only two people you talked to</p> <p>20 about the Emily Mayer accusations.</p> <p>21 A. Yes.</p> <p>22 Q. Did they give you any information about any</p> <p>23 health issue or physical issue that Mr. Romig was</p> <p>24 suffering from over those past few weeks or months?</p>	<p>1 A. I had no reason, no.</p> <p>2 Q. Going back to your conversation with Mr.</p> <p>3 Clymer before you met with Mr. Romig for the last time,</p> <p>4 Mr. Clymer told you that legal counsel, Jeff Drake, was</p> <p>5 supposed to ask Eric Romig to resign, correct?</p> <p>6 A. Correct.</p> <p>7 MR. KEMETHER: Objection to the form.</p> <p>8 Q. Not that Mr. Clymer was going to ask that</p> <p>9 himself -- ask that of Mr. Romig himself.</p> <p>10 A. It was the legal -- no, it was the legal</p> <p>11 counsel.</p> <p>12 Q. And as far as you knew at the time, it was</p> <p>13 only because of the quantity, of the amount of texts,</p> <p>14 the quantity of texting.</p> <p>15 MR. KEMETHER: Just to clarify the</p> <p>16 question: You say "it was." Regarding the reason</p> <p>17 he was going to be asked to resign.</p> <p>18 MR. GROTH: The reason he was going to</p> <p>19 be asked to resign.</p> <p>20 THE WITNESS: Yes.</p> <p>21 MR. GROTH: Just the quantity of</p> <p>22 texting, all right.</p> <p>23 BY MR. GROTH:</p> <p>24 Q. What else did Mr. Clymer tell you during that</p>

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<p>1 discussion before your meeting with Mr. Romig, if</p> <p>2 anything?</p> <p>3 A. Didn't I already answer that?</p> <p>4 MR. KEMETHER: One more time.</p> <p>5 A. The specifics again were just all of the</p> <p>6 information he had collected, you know, the people he</p> <p>7 had talked to, and basically the conclusion he had --</p> <p>8 they had come to with counsel of what we should do or</p> <p>9 what he was going to do.</p> <p>10 They weren't asking for my approval, just what</p> <p>11 was going on and what was happening and he wanted me to</p> <p>12 be there when he met with Eric.</p> <p>13 Q. Okay. Would it be correct to say, then, that</p> <p>14 the decision that Eric Romig was no longer going to</p> <p>15 coach for FCA was made by FCA, not by Mr. Romig?</p> <p>16 MR. KEMETHER: Objection to the form.</p> <p>17 A. He was asked to resign.</p> <p>18 Q. Okay.</p> <p>19 A. And he did.</p> <p>20 Q. And FCA made the decision to ask him to</p> <p>21 resign.</p> <p>22 A. Yes.</p> <p>23 Q. On its own it made that decision. You didn't</p> <p>24 negotiate with Mr. Romig. It made that decision before</p>	<p>1 strike that. One second.</p> <p>2 Before the final meeting with you and Mr.</p> <p>3 Clymer and Mr. Romig -- which was a face-to-face</p> <p>4 meeting, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Where was that meeting?</p> <p>7 A. Mr. Clymer's office.</p> <p>8 Q. Do you remember having a conference call with</p> <p>9 Mr. Romig where you and Mr. Clymer were on a</p> <p>10 speakerphone at the school building in an office and</p> <p>11 Mr. Romig was on the other end of the phone calling in?</p> <p>12 A. Do I recall this?</p> <p>13 Q. Yes.</p> <p>14 A. I don't recall it.</p> <p>15 Q. You don't recall ever having a conversation</p> <p>16 with Mr. Romig over the phone while you were with Ryan</p> <p>17 Clymer?</p> <p>18 MR. KEMETHER: Objection to the form.</p> <p>19 You can answer if you're able.</p> <p>20 A. Over the phone?</p> <p>21 Q. Yes.</p> <p>22 A. I don't recall.</p> <p>23 Q. Okay. Let's talk about the last meeting with</p> <p>24 Mr. Romig. Where did that -- oh, it took place at Mr.</p>
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<p>1 even meeting with Mr. Romig, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Were there any discussions between you and Mr.</p> <p>4 Clymer, or Mr. Clymer telling you about a discussion</p> <p>5 with counsel, to actually terminate or fire Mr. Romig</p> <p>6 outright?</p> <p>7 A. No. The conversation would have been if he</p> <p>8 wouldn't have resigned, then the matter would have gone</p> <p>9 to the board.</p> <p>10 Q. The Board of Deacons?</p> <p>11 A. Correct.</p> <p>12 Q. Did Mr. Clymer tell you he had already</p> <p>13 consulted with the Board of Deacons before he talked to</p> <p>14 you and they were all in agreement, or whoever was in</p> <p>15 charge was in agreement with what Mr. Romig was going</p> <p>16 to be asked to do?</p> <p>17 A. No, I don't know if he had any conversation.</p> <p>18 I don't know.</p> <p>19 Q. It never got to the point of going to the</p> <p>20 Board of Deacons to do something further because Mr.</p> <p>21 Romig, after you met with him, did agree to resign,</p> <p>22 correct?</p> <p>23 A. Correct. That's my understanding.</p> <p>24 Q. Let's talk about the meeting with -- oh,</p>	<p>1 Clymer's office. What time of day was it?</p> <p>2 A. I can't be sure. It was daylight still, I'm</p> <p>3 pretty sure, when I left.</p> <p>4 Q. It was after the return from holiday break? I</p> <p>5 mean, was school in session?</p> <p>6 A. I don't think school was in session, no.</p> <p>7 Q. But I think you testified before it was within</p> <p>8 a day or two before the January 5th resignation.</p> <p>9 A. Correct.</p> <p>10 Q. Okay. So, we're talking about January 3rd or</p> <p>11 4th, something like that, correct?</p> <p>12 A. It could have been.</p> <p>13 Q. Okay. Do you know if at any time after the</p> <p>14 Morrisville game Mr. Romig was allowed to coach or run</p> <p>15 practices for the girls basketball team?</p> <p>16 A. After the Morrisville game?</p> <p>17 Q. Yes?</p> <p>18 A. To my recollection, he did not coach practice</p> <p>19 or a game after that.</p> <p>20 Q. Prior to this meeting with Mr. Romig, were you</p> <p>21 told by Ryan Clymer that he had suspended Emily Mayer</p> <p>22 from school the same morning that she reported these</p> <p>23 allegations to him?</p> <p>24 A. Ask that again, please?</p>

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<p>1 Q. Yes. Prior to this meeting with Mr. Romig on</p> <p>2 January 3rd or 4th, had Ryan Clymer told you that as</p> <p>3 soon as Emily Mayer made these allegations he suspended</p> <p>4 her?</p> <p>5 A. I do not recall it was right away. I know at</p> <p>6 some point she was not allowed to participate. I don't</p> <p>7 recall that it was right away.</p> <p>8 Q. Not allowed to participate in school or --</p> <p>9 A. On the team.</p> <p>10 Q. My question to you is, did you ever find out</p> <p>11 from Mr. Clymer that he told her to go home and not</p> <p>12 participate in school?</p> <p>13 A. No, I have no knowledge of that.</p> <p>14 Q. How long did the meeting last with Mr. Romig?</p> <p>15 A. Half an hour to an hour.</p> <p>16 Q. And were any documents shown to Mr. Romig</p> <p>17 during that meeting?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Do you recall Mr. Clymer having either Romig</p> <p>20 exhibit five or Romig exhibit seven, which are the text</p> <p>21 logs that he got from the Smith family of all the</p> <p>22 thousands of phone calls -- thousands of texts that</p> <p>23 Romig made to Mayer, do you recall whether or not any</p> <p>24 of those logs were shown to Mr. Romig, either in</p>	<p>1 investigation was?</p> <p>2 A. What the results?</p> <p>3 Q. Yes: What he did, who he talked to, what</p> <p>4 information he got:</p> <p>5 A. Yes. He reviewed his investigation with Eric,</p> <p>6 yes.</p> <p>7 Q. Was that the first time that you heard from</p> <p>8 Ryan Clymer that he was investigating allegations of</p> <p>9 improper sexual texting to Emily Mayer from Romig?</p> <p>10 A. Yes, that may have been the first time I heard</p> <p>11 it, yes.</p> <p>12 Q. From what I gather from your testimony, no</p> <p>13 documents were shown to Mr. Romig, including this</p> <p>14 document from Emily Mayer's mother containing her</p> <p>15 recollection of the inappropriate texts. Is that</p> <p>16 correct?</p> <p>17 MR. KEMETHER: At the meeting.</p> <p>18 MR. GROTH: At the meeting.</p> <p>19 A. At the meeting, correct.</p> <p>20 Q. Whether the document was shown or not, did Mr.</p> <p>21 Clymer recite to Mr. Romig the specific nature of the</p> <p>22 accusations and allegations regarding improper or</p> <p>23 inappropriate sexual texts?</p> <p>24 A. I don't recall him reading off anything like</p>
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<p>1 hard-copy form like this or on a computer screen</p> <p>2 because they were on some kind of disk?</p> <p>3 MR. KEMETHER: During this meeting.</p> <p>4 MR. GROTH: During the meeting.</p> <p>5 A. During this meeting? I don't recall any</p> <p>6 documents being shown.</p> <p>7 Q. Did you see either of these documents, Romig</p> <p>8 exhibit five or Romig exhibit seven, at any time?</p> <p>9 A. No, I've never those --</p> <p>10 Q. Hold on. At any time before the meeting?</p> <p>11 A. No.</p> <p>12 Q. And you don't recall seeing them at the</p> <p>13 meeting.</p> <p>14 A. No.</p> <p>15 Q. Do you recall seeing them at any point prior</p> <p>16 to FCA and Mr. Clymer and yourself being sued?</p> <p>17 A. No.</p> <p>18 Q. Tell me what the discussion was between the</p> <p>19 three people at that meeting, as best you can recall.</p> <p>20 A. Best I can recall, in general, just Ryan</p> <p>21 asking Eric if there was anything else that he wasn't</p> <p>22 telling us, is there anything else, and they reviewed</p> <p>23 the accusations against him.</p> <p>24 Q. Did Clymer tell him what the result of his</p>	<p>1 that.</p> <p>2 Q. In other words, did he say anything to Mr.</p> <p>3 Romig like "Miss Mayer said that beginning of November</p> <p>4 he started telling me how he and Lauren did sexual</p> <p>5 things and was hinting at me to be this way"? Did he</p> <p>6 say anything like that to Mr. Romig?</p> <p>7 A. That specific? I don't recall.</p> <p>8 Q. Do you recall Mr. Clymer saying that Emily</p> <p>9 Mayer accused Mr. Romig of sending her texts saying "I</p> <p>10 want to be in you"?</p> <p>11 A. No.</p> <p>12 Q. Do you recall him telling Mr. Romig that Emily</p> <p>13 Mayer said she received a text that "Romig would just</p> <p>14 tell me every day he was in love with me"?</p> <p>15 A. No.</p> <p>16 Q. And that he wanted to marry her?</p> <p>17 A. No, I don't recall the specifics.</p> <p>18 Q. Okay. Did Mr. Romig say Emily Mayer was</p> <p>19 lying?</p> <p>20 MR. KEMETHER: During the meeting?</p> <p>21 MR. GROTH: Yes. This is all during</p> <p>22 the meeting, I'm sorry.</p> <p>23 A. During the meeting? During the meeting -- I</p> <p>24 can't say during the meeting that he said that exactly.</p>

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<p>1 Q. Okay. Did he say that he did not send any</p> <p>2 inappropriate texts to Emily Mayer?</p> <p>3 A. Again, for that specific meeting, I don't</p> <p>4 recall the exact things that were spoken of and not to</p> <p>5 that -- to be that specific.</p> <p>6 Q. Well, that was the last meeting you had with</p> <p>7 him before he resigned, right?</p> <p>8 A. Right.</p> <p>9 Q. So, there weren't any discussions of a</p> <p>10 meeting, correct?</p> <p>11 A. No meetings, no.</p> <p>12 Q. So, what was Mr. Romig's reaction when Mr.</p> <p>13 Clymer told him the results of his investigation?</p> <p>14 A. He didn't like it.</p> <p>15 Q. So, what did he say?</p> <p>16 A. Like I said, I can't recall the exact -- I</p> <p>17 can't quote what he said word-for-word. He just</p> <p>18 overall generally disagreed and said it wasn't true,</p> <p>19 but -- that he didn't agree with it.</p> <p>20 Q. What did Mr. Clymer say to Mr. Romig about his</p> <p>21 future status at the school?</p> <p>22 A. That he asked him to resign.</p> <p>23 Q. When you say he asked him to resign, do you</p> <p>24 recall him actually asking Mr. Romig if he would resign</p>	<p>1 correct?</p> <p>2 A. That was the legal advice.</p> <p>3 Q. So, what happened? Why didn't Jeff Drake ask</p> <p>4 Mr. Romig to resign?</p> <p>5 A. Why wouldn't Jeff Drake ask Eric to resign?</p> <p>6 Q. Yes. You were told by Mr. Clymer that his</p> <p>7 legal counsel's advice was to have legal counsel ask</p> <p>8 Mr. Romig to resign, but at the meeting legal counsel</p> <p>9 wasn't there.</p> <p>10 So, something changed between what Mr. Clymer</p> <p>11 told you and what actually happened at the meeting when</p> <p>12 Mr. Clymer asked Mr. Romig to resign.</p> <p>13 A. Okay.</p> <p>14 MR. KEMETHER: Objection to form.</p> <p>15 Q. All right. So, the question is, why did that</p> <p>16 change?</p> <p>17 MR. KEMETHER: Objection to form. You</p> <p>18 can answer if you're able.</p> <p>19 A. Nothing changed. But to clarify the</p> <p>20 statement: The legal counsel was for Ryan to tell</p> <p>21 Eric to ask Ryan -- for Ryan to ask Eric to resign, not</p> <p>22 for legal counsel to do the asking.</p> <p>23 Q. Then I misunderstood.</p> <p>24 A. If I misspoke, that's -- I'll clarify: That</p>
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<p>1 or telling Mr. Romig that he had to resign?</p> <p>2 A. Asked him.</p> <p>3 Q. To resign.</p> <p>4 A. Yes.</p> <p>5 Q. But it was your understanding going into the</p> <p>6 meeting that the decision had already been made by FCA</p> <p>7 to tell him to resign.</p> <p>8 MR. KEMETHER: Objection to form.</p> <p>9 A. I don't know that.</p> <p>10 Q. Well, didn't Mr. Clymer tell you that after</p> <p>11 talking with counsel?</p> <p>12 MR. KEMETHER: Objection to form.</p> <p>13 MR. GROTH: Go ahead, you can answer.</p> <p>14 MR. KEMETHER: You can answer. I'm</p> <p>15 sorry.</p> <p>16 THE WITNESS: Ask the question again,</p> <p>17 please.</p> <p>18 BY MR. GROTH:</p> <p>19 Q. Didn't Mr. Clymer tell that you before the</p> <p>20 meeting, that Mr. Romig was going to be told to resign?</p> <p>21 A. Was going to be asked to resign.</p> <p>22 MR. KEMETHER: Objection to form.</p> <p>23 Q. Mr. Clymer told you before the meeting that</p> <p>24 Jeff Drake was going to ask Mr. Romig to resign,</p>	<p>1 legal counsel. . .</p> <p>2 Q. I understand.</p> <p>3 A. Okay.</p> <p>4 Q. All right. So, what you meant to say or what I</p> <p>5 should have heard before was that Jeff Drake's advice</p> <p>6 to Eric [sic] Clymer before the meeting was to ask Eric</p> <p>7 Romig to resign.</p> <p>8 A. Correct.</p> <p>9 Q. Not that Jeff Drake was going to ask him.</p> <p>10 A. Correct, Jeff Drake was not going to do that.</p> <p>11 Q. Okay. Before that meeting with Mr. Romig, did</p> <p>12 Mr. Clymer tell you what would happen if Mr. Romig</p> <p>13 refused to resign?</p> <p>14 A. I believe so.</p> <p>15 Q. That was a discussion about going to the Board</p> <p>16 of Deacons.</p> <p>17 A. I believe so, yes. If he did not, it would</p> <p>18 have to go to the board.</p> <p>19 Q. So, at the meeting with Romig, Mr. Clymer</p> <p>20 asked him to resign, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And what was Mr. Romig's reaction?</p> <p>23 A. He didn't want to initially. I'd say</p> <p>24 generally, in his words, he understands why he had to.</p>

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<p>1 Q. Did he agree at the meeting to resign?</p> <p>2 A. Yes.</p> <p>3 Q. Were there any qualifications or stipulations</p> <p>4 that he wanted with regard to his resignation?</p> <p>5 A. No.</p> <p>6 Q. Did he tell you that he would not resign as a</p> <p>7 result of the investigation into him based on the</p> <p>8 allegations of Mayer, but he would resign for some</p> <p>9 other reason?</p> <p>10 A. No, he did not say why.</p> <p>11 Q. And a day or two later you got a resignation</p> <p>12 from him, correct?</p> <p>13 A. Correct.</p> <p>14 Q. What did that resignation say?</p> <p>15 A. That he was resigning as a basketball coach.</p> <p>16 Q. Why?</p> <p>17 A. For health reasons.</p> <p>18 Q. For health reasons, something that was never</p> <p>19 discussed in your meeting with him, correct?</p> <p>20 A. Correct.</p> <p>21 Q. And did FCA, to your knowledge, accept that</p> <p>22 resignation?</p> <p>23 A. Yes, we did.</p> <p>24 Q. Even though you knew it not to be true.</p>	<p>1 Q. Have you ever heard the term "pass the trash"?</p> <p>2 A. Yes.</p> <p>3 Q. What's your understanding of what that term</p> <p>4 refers to?</p> <p>5 A. That a school has evidence or knowledge of a</p> <p>6 teacher or employee who has done something wrong and</p> <p>7 doesn't report it or do what they're supposed to do,</p> <p>8 then that employee goes to another school.</p> <p>9 Q. When did you first learn of that term or hear</p> <p>10 that term?</p> <p>11 A. In the last couple of years.</p> <p>12 Q. After he left?</p> <p>13 A. After he left.</p> <p>14 Q. "He," meaning Romig, resigned.</p> <p>15 A. Yes.</p> <p>16 Q. Did just the mere quantity of texts give you</p> <p>17 reason to suspect that something's going on between Mr.</p> <p>18 Romig and Emily Mayer that was inappropriate?</p> <p>19 MR. KEMETHER: Objection to form. You</p> <p>20 can answer if you're able.</p> <p>21 A. That's a conclusion I can't come to without</p> <p>22 the context.</p> <p>23 Q. And you really didn't have any other context</p> <p>24 beside that up until the time you actually met with him</p>
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<p>1 MR. KEMETHER: Objection to form.</p> <p>2 THE WITNESS: We didn't know it wasn't</p> <p>3 true.</p> <p>4 MR. KEMETHER: That's argumentative.</p> <p>5 BY MR. GROTH:</p> <p>6 Q. When you got the resignation with that wording</p> <p>7 about for health reasons, did you contact Mr.</p> <p>8 Hollenbach to ask him why he put that in there?</p> <p>9 MR. KEMETHER: You're asking him about</p> <p>10 he asked himself.</p> <p>11 MR. GROTH: I'm sorry.</p> <p>12 BY MR. GROTH:</p> <p>13 Q. Did you ask Mr. Romig to put that in his</p> <p>14 resignation?</p> <p>15 A. No, I did not.</p> <p>16 Q. Did you inquire at all about his health?</p> <p>17 A. Did I inquire about his health?</p> <p>18 Q. Yes. Did you talk to him about his health</p> <p>19 after you got that resignation that said he had a</p> <p>20 health problem?</p> <p>21 A. At some point I may have. I can't recall. I</p> <p>22 didn't do it right away, no.</p> <p>23 Q. Sometime after his resignation.</p> <p>24 A. Sometime after.</p>	<p>1 and he resigned, correct? Agreed to resign.</p> <p>2 A. Context with the text messages?</p> <p>3 Q. Yes.</p> <p>4 A. There was never any context.</p> <p>5 Q. I mean, you didn't have the information from</p> <p>6 Emily Mayer. You didn't have the email from the</p> <p>7 mother, any of that stuff, right? So, in terms of your</p> <p>8 own --</p> <p>9 A. I didn't.</p> <p>10 Q. -- thinking at the time, you really didn't</p> <p>11 know of any other issues except for the excessive</p> <p>12 nature of the texting before you met with Romig.</p> <p>13 A. Correct.</p> <p>14 Q. Was Eric Romig ever suspended at all from his</p> <p>15 duties and responsibilities at FCA during the course of</p> <p>16 this investigation?</p> <p>17 A. Yes.</p> <p>18 Q. When was he suspended?</p> <p>19 A. It was after the Morrisville game at some</p> <p>20 point. I don't know the exact day, but he was told not</p> <p>21 to coach. He was not allowed to coach until the</p> <p>22 investigation was completed.</p> <p>23 Q. Well, were there any more basketball</p> <p>24 activities scheduled after that Morrisville game before</p>

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<p>1 the holiday and the new year?</p> <p>2 A. Practices.</p> <p>3 Q. Who took over the practices?</p> <p>4 A. The assistant coaches.</p> <p>5 Q. You know that for a fact, or are you just</p> <p>6 assuming?</p> <p>7 A. Fact.</p> <p>8 Q. Did you tell Romig he couldn't handle</p> <p>9 practices?</p> <p>10 A. No, I did not tell him.</p> <p>11 Q. Who told him?</p> <p>12 A. Clymer, I believe.</p> <p>13 Q. Do you know that to be true, or are you just</p> <p>14 assuming?</p> <p>15 A. I guess I'll be assuming that.</p> <p>16 Q. At the end of your meeting with Mr. Romig, did</p> <p>17 you and he leave the room together?</p> <p>18 A. No.</p> <p>19 Q. You left separately?</p> <p>20 A. Yes.</p> <p>21 Q. During the course of Mr. Clymer's</p> <p>22 investigation did any private detective, police</p> <p>23 officer, retired police officer or some kind of police</p> <p>24 official get involved in the investigation at somebody</p>	<p>1 son attended our school. That's my guess or assumption.</p> <p>2 Q. Did Mr. Clymer ever tell you what the advice</p> <p>3 was of that police officer or that detective, police</p> <p>4 officer, whomever?</p> <p>5 A. No.</p> <p>6 Q. Did you ever learn after 2009 who that police</p> <p>7 officer or detective was at any time?</p> <p>8 A. I was never directly told, no.</p> <p>9 Q. Indirectly.</p> <p>10 A. It would just be my guess or assumption who it</p> <p>11 is.</p> <p>12 Q. Give me a name if you think you know who the</p> <p>13 person might be.</p> <p>14 THE WITNESS: I can answer?</p> <p>15 MR. KEMETHER: Yes, you can answer.</p> <p>16 THE WITNESS: Officer Toomey.</p> <p>17 BY MR. GROTH:</p> <p>18 Q. Is he still an officer?</p> <p>19 A. I don't know.</p> <p>20 Q. Is he still connected to the church or the</p> <p>21 school in some way?</p> <p>22 A. No.</p> <p>23 Q. Do you know where he lives?</p> <p>24 A. No.</p>
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<p>1 from FCA's request?</p> <p>2 A. Yes.</p> <p>3 Q. Who was that?</p> <p>4 A. I don't know who the police officer was.</p> <p>5 Q. Did you meet with him?</p> <p>6 A. No.</p> <p>7 Q. Did Mr. Clymer meet with him?</p> <p>8 A. I don't know.</p> <p>9 Q. How do you know he was consulted?</p> <p>10 A. Mr. Clymer said that was part of his advice.</p> <p>11 Q. Whose advice?</p> <p>12 A. Advice he was seeking.</p> <p>13 Q. Advice on what to do?</p> <p>14 A. Correct.</p> <p>15 Q. How to handle the investigation?</p> <p>16 A. From the investigation, what he was. . .</p> <p>17 Q. Okay. Do you know if this person was a church</p> <p>18 member or a school member?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you know anything about the person at all?</p> <p>21 A. Not with direct knowledge, no.</p> <p>22 Q. With any knowledge: Indirect, direct, gossip,</p> <p>23 rumor, whatever you got.</p> <p>24 A. It was a friend of Mr. Clymer's. I think his</p>	<p>1 Q. Do you know what police department he works</p> <p>2 for or worked for?</p> <p>3 A. I believe it was Hatfield.</p> <p>4 Q. Do you know anything about how many times he</p> <p>5 was consulted by Mr. Clymer?</p> <p>6 A. No.</p> <p>7 Q. Do you know if he played an active role in the</p> <p>8 investigation insofar as actually interviewing people</p> <p>9 or contacting people or gathering materials or</p> <p>10 evidence?</p> <p>11 A. I do not know.</p> <p>12 Q. At the meeting with Mr. Romig did you or Mr.</p> <p>13 Clymer leave open the door for Mr. Romig to be</p> <p>14 re-employed as a coach for FCA after his resignation on</p> <p>15 January 5th, 2010?</p> <p>16 A. Leave the door open?</p> <p>17 Q. Yes. Was it discussed?</p> <p>18 A. No.</p> <p>19 Q. Did you ever at any time after his resignation</p> <p>20 tell him, whether at the meeting whose notes we have</p> <p>21 here in March or at any other time, that there was a</p> <p>22 possibility that he would be coming back or could be</p> <p>23 coming back to FCA to be a coach?</p> <p>24 A. I don't recall that I did specifically. I</p>

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<p>1 know it was discussed in that meeting because he asked 2 about it. 3 Q. You recall him asking about it. 4 A. Yes. 5 MR. KEMETHER: You're talking about the 6 meeting -- this was the one in March. 7 THE WITNESS: At the meeting in March, 8 yes. 9 BY MR. GROTH: 10 Q. The one memorialized on Romig exhibit twelve? 11 A. Yes. 12 Q. What was the response? 13 A. At the time the person was really Pastor Paul 14 Auckland, and he said -- I think it's even in those 15 notes: Not at this time, or it's not possible. 16 Q. Did he say it's never going to happen or did 17 he leave the door open? 18 A. He didn't -- I don't think the word "never" 19 was used. 20 Q. Did you ever specifically make an offer to Mr. 21 Romig that if he resigned, he could possibly come back 22 the next year? 23 A. Come back the next year? No, I don't recall 24 that.</p>	<p>1 anything bad happen to Mr. Romig as a result of the 2 allegations Emily Mayer made against him? 3 A. I wouldn't want to see that, no -- I mean or 4 correct. 5 Q. Did you ever bring up the topic with Mr. 6 Clymer or anybody else at FCA about reporting his 7 conduct to somebody outside of FCA, like the Department 8 of Public Welfare or the DA or the police department? 9 A. I'm not aware of any of those conversations. 10 Q. No, I'm not asking you if you're aware of it. 11 What I'm saying is, did you make any recommendation or 12 raise the topic of reporting his activity, Romig's 13 activity, to anybody outside of FCA? 14 A. I did not. 15 Q. Did you ever have a conversation with Mr. 16 Romig after he resigned where you told him to go and 17 confront the Smiths about the allegations? 18 A. I know I said that to him afterwards. I'm not 19 exactly sure when, but at some point when he was still 20 upset, whether it's months or a year I'm not sure, but 21 yes, I... 22 Q. Why did you tell him to do that? 23 A. Again, he was upset and he felt that they were 24 lying about him. At that point it was just I said "Why</p>
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<p>1 Q. I'm going to read you just a portion of Mr. 2 Romig's deposition transcript on that last question 3 that I just asked you. 4 His answer on page 101 at line 16, and this is 5 Romig's testimony under oath, "At that same meeting, at 6 the conclusion of that meeting -- I'm quoting from the 7 transcript at 101, at line 16: "At that same 8 meeting -- at the conclusion of that meeting was when 9 the solution was, you know, presented to me to step 10 down, whether Mr. Hollenbach said at the time about 11 stepping down for the rest of the year and coming back 12 the following year, which I declined, and Mr. 13 Hollenbach and I left the meeting because I was very 14 mad." 15 Do you recall that happening at the meeting? 16 A. I don't recall that. 17 Q. Would it be correct to say that during your 18 association with Mr. Romig over the years at FCA that 19 you really did not want to see anything bad happen to 20 him because of this Emily Mayer allegation? 21 A. Repeat that question? 22 Q. Yes: Based upon your association with Mr. 23 Romig and his family over the years, wouldn't it be 24 correct to say that you really didn't want to see</p>	<p>1 don't you talk to them yourself?" 2 Q. You never met with Mr. or Mrs. Smith regarding 3 these allegations, did you? 4 A. No. 5 Q. Never discussed it with them at all? 6 A. No. 7 Q. During the time that Lauren Fretz was at FCA, 8 did you ever hear any rumors or gossip or anybody make 9 any comments around the school, especially the faculty 10 or staff or whatever, that some people suspected that 11 Eric Romig's involved in an inappropriate way with 12 Lauren Fretz? 13 A. No. 14 Q. Do you know Nicole Gross? 15 A. Yes, I do. 16 Q. Who is she? 17 A. Kindergarten teacher. 18 Q. Did you ever hear her make any such comments 19 to anybody? 20 A. No. 21 Q. Was it ever suggested to you that she is 22 marking such comments about Mr. Romig and Lauren Fretz? 23 A. No. 24 Q. Have you ever been involved with an employee</p>

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<p>1 at FCA being asked to resign by the administration 2 before this with Mr. Romig? 3 A. I can't recall right now specifically. I 4 wouldn't have been involved, anyway. I was just a 5 teacher, so I wouldn't have been involved. 6 Q. Let me be more specific. Were you ever 7 involved in FCA asking a coach, somebody who was under 8 your supervision, to resign from the school before the 9 Romig situation? 10 A. Yes. 11 Q. Who was that? 12 A. I'm trying to think of if it was before. 13 Varsity boys basketball coach, Bob Kett. 14 Q. Could you spell that last name? 15 A. K-e-t-t. I have to stop and think about the 16 date, but... 17 Q. Before or after Romig? 18 A. Yes, before or after. I can't say for sure. 19 I think it was before, but it was -- I can't say for 20 sure before. 21 Q. All right. What was the reason why he was 22 asked to resign? 23 A. The principal at that time, Mr. Bob Clymer, 24 just felt that he was ineffective as a coach and wanted</p>	<p>1 Did he agree at the meeting to resign, or did 2 he want time to think about it or talk about it with 3 his family or whatever? 4 A. My recollection is that he would resign. 5 Q. Okay. But he didn't put any qualifiers on it 6 in terms of giving a reason for his resignation, 7 correct? 8 A. No. 9 Q. So, would it be fair to say you just expected 10 to get a brief sentence or two from him saying "I, Eric 11 Romig, am hereby resigning my position as coach," 12 blah-blah-blah. 13 A. Yes. 14 Q. And the basketball season ran until that year? 15 A. The end of February. 16 Q. Was he coaching anything else at that time? 17 A. I don't think so. 18 Q. All right. So, would his contract have 19 expired at the end of basketball season? 20 A. Yes. 21 Q. So, basically he left FCA and his coaching 22 activities in the middle of his contract, correct? 23 A. Yes. 24 Q. Was he paid for the rest of his contract?</p>
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<p>1 to make a change. 2 Q. He coached varsity boys baseball? 3 A. Basketball. 4 Q. Basketball, I'm sorry. That was the only 5 reason you were aware of, his performance as a coach? 6 A. That was it. Yes, sorry. 7 Q. Okay. Have you ever visited Eric Romig in 8 jail? 9 A. No. 10 Q. Do you have any plans to? 11 A. No. 12 Q. I know you retired from FCA in 2014. What was 13 the reason why you retired? 14 A. Just a long time. Just got tired and getting 15 older and ready to do something else. 16 Q. And you're doing a lot of other, assorted 17 jobs. 18 A. Yes. 19 Q. Were you asked by anybody at FCA to leave? 20 A. No.. 21 Q. At the end of the meeting with Romig, when he 22 was asked to resign, was it your understanding that he 23 was going -- was it your understanding, first, that he 24 was going to resign?</p>	<p>1 A. I don't know. I don't have knowledge of that. 2 Q. Do you know if he got any type of severance 3 package or severance pay or anything like that? 4 A. Not that I know of. 5 Q. When did you first learn that Pennridge had 6 hired Romig? 7 A. I have no idea. I couldn't tell you what year 8 he started coaching there. 9 Q. Okay. 10 A. At Pennridge? Yes, that's for softball. I 11 don't know what year he started. 12 Q. At some point you did become aware he became 13 employed there. 14 A. Yes. 15 Q. Do you know how you became aware? 16 A. Word-of-mouth, somebody. 17 Q. Up until that time when you first heard that 18 he had been coaching there -- I believe you testified 19 he started there in 2012, or something like that, and 20 he was coaching for two years, 2012 and 2013 -- had 21 anybody from Pennridge attempted to contact you to ask 22 about Mr. Romig's performance as a coach at FCA? 23 A. No one contacted me. 24 Q. Do you know whether or not anybody at</p>

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<p>1 Pennridge contacted anybody, including Mr. Clymer, at 2 FCA to find out about his coaching at FCA? 3 A. Not to my knowledge. 4 Q. Have you ever gotten calls from any other 5 schools or athletic directors looking to hire somebody 6 that had been working as a coach at FCA? ---- 7 A. No. 8 Q. At any time after Mr. Romig resigned in 9 January of 2010, did you have any discussions about his 10 situation with Emily Mayer with any of the Board of 11 Deacons? 12 A. The Board of Deacons? No. 13 Q. How about with Paul Auckland? 14 A. I could have. I don't recall any. 15 Q. By the time you had this meeting with Eric 16 Romig and these other folks on March 31st, 2010, had 17 you gotten more details about the sexual nature of the 18 alleged texting and sexual harassment that Emily Mayer 19 was claiming against him? 20 A. I'm not sure of the time line of that. 21 Q. Did you get more information eventually? 22 A. Did I get more information? 23 Q. Yes. 24 A. No.</p>	<p>1 considered it? 2 A. Time would have been an issue, as well as was 3 any of this true. 4 Q. And even at this meeting Mr. Romig never 5 admitted that any of it was true, correct? 6 A. Correct. 7 Q. Except for the quantity of texts. 8 A. Correct. 9 Q. There were discussions at the meeting, also, 10 that some people at the meeting at FCA had concluded 11 that Eric Romig had lied to them about things. Isn't 12 that correct? 13 A. Yes. 14 Q. What were the subject of those lies? 15 A. It had to do with Eric having his phone -- 16 when the girls basketball team, some of them, I don't 17 know how many or who, went to watch a college 18 basketball game and if Eric had his phone that day at 19 that event. 20 Q. Because a lot of texts were sent to Emily 21 Mayer that day. 22 A. I believe that would be accurate. 23 Q. And he said he didn't have his phone. 24 A. Correct.</p>
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<p>1 Q. Would it be fair to say that up until the time 2 this lawsuit was filed, you really didn't know much 3 more than the day he resigned. 4 A. Correct. 5 Q. On Romig exhibit twelve, paragraph six, it 6 says "I spoke," and I think you said Paul Auckland was 7 the one that prepared these notes, to your knowledge? 8 A. Yes, to my knowledge. 9 Q. So, when it says "I spoke," do you know that's 10 Paul Auckland? 11 A. Yes, I do. 12 Q. It says here under 6.5, "Can you coach again? 13 "A: Yes, in time and under probation 14 contract." 15 Do you recall having that discussion with Mr. 16 Romig at the meeting? 17 A. At that meeting? Yes, that was discussed. 18 Q. What was your position at that time? Would you 19 have been open to hiring him again under a probation 20 contract? 21 MR. KEMETHER: Objection to the form. 22 You can answer. 23 A. Not immediately. 24 Q. After what period of time would you have</p>	<p>1 Q. And that was a lie. 2 A. The evidence appears to be so. 3 Q. Did you ever receive any information after 4 this Mayer and Romig investigation that Emily Mayer had 5 lied about anything? 6 A. Evidence that she lied? 7 Q. Yes. 8 A. Not that I can recall. 9 Q. And basically, that conversation with Mr. 10 Romig was to the effect that he was saying that a lot 11 of those text messages to Emily Mayer were not sent by 12 him; they were sent by somebody who had use of his 13 phone because he left it someplace and they had used it 14 for their own purposes, correct? 15 A. Correct, that is one of the excuses. 16 Q. And you didn't believe that excuse, did you? 17 A. I didn't know what to believe at that point. 18 Q. I'm going to go through a couple of documents 19 with you. 20 As part of Romig exhibit four there is a 21 letter of resignation to you and to Ryan Clymer dated 22 January 5th, 2010, signed by Eric Romig. Is that a 23 document you've seen before? 24 A. Yes, I believe it is.</p>

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<p>1 Q. Do you recall this as being a document you 2 received as evidence of his resignation from FCA? 3 A. Yes. 4 Q. Again, do you recall being surprised that he 5 added to his resignation that he is doing it for health 6 concerns? 7 A. I wasn't surprised or unsurprised. 8 Q. You just didn't know anything about it. 9 A. I just didn't know what he meant by that. 10 Q. Do you know whether or not Mr. Clymer ever 11 spoke to Chase Brunner directly? 12 A. Yes, my recollection is that Chase is the one 13 who came first. 14 Q. Did Mr. Clymer tell you whether or not Chase 15 told him that Chase had actually seen some of the 16 inappropriate texts before they were deleted? 17 A. I don't think anybody saw. That's my 18 recollection, that Chase had not. 19 Q. Romig exhibit eight is an email from Stephanie 20 Romig to you, which you forwarded to Mr. Clymer, dated 21 January 5th, 2010, the same day that he resigned. 22 On the second page -- I'm going to let you 23 look at this in a second -- on the second page of that 24 she makes this statement in her email: She says, "I'm</p>	<p>1 A. I do now. 2 Q. Well, you sent it to -- sent a copy of it to 3 Mr. Clymer, correct? 4 A. Yes, I did get it. 5 Q. This refers to things she saw on Facebook 6 where people were "cursing the school and Emily and the 7 lesbian are saying they are done with the school." 8 Do you recall seeing anything on social media, 9 or was something going through the school after this 10 issue with Mr. Romig that was upsetting people in the 11 school? 12 A. I have no knowledge of that. 13 Q. Did anybody in school ever come up to you and 14 say, you know, we heard what was going on or what was 15 alleged to have gone on between Mr. Romig and Emily 16 Mayer, and you should do something about it, something 17 more than what you've done? 18 A. No one came to me. 19 Q. It says here -- refers to "Emily and the 20 lesbian." Do you know who she's referring to? 21 A. I have no idea. 22 Q. Do you know of any problem Emily Mayer ever 23 had at the school? I mean, to the extent that her 24 allegations were a problem, but anything other than the</p>
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<p>1 sorry that I am venting like this, but I just don't 2 feel that the coaches and the students weren't 3 protected from something that could have been 4 prevented. We pay for our children to go to a 5 Christian school so that they don't have to endure this 6 type of thing in public school. I know kids are kids 7 and we will see bad ones. However, lesbians, drinkers 8 and ones having sex shouldn't be allowed in Faith. We 9 either stand by what we believe in or we get crapped 10 on, and that is what is happening. I am embarrassed to 11 see on Facebook that people are cursing the school and 12 Emily and the lesbian are saying they are done with the 13 school." 14 If you want to read that yourself, go ahead 15 and I'll ask you questions about that. 16 MR. KEMETHER: Which exhibit is that, 17 Romig-8? 18 MR. GROTH: Yes. 19 MR. KEMETHER: Thank you. 20 (Pause) 21 THE WITNESS: Okay. 22 BY MR. GROTH: 23 Q. First of all, do you recall getting this email 24 from Stephanie?</p>	<p>1 allegations she made about Romig, any disciplinary 2 problems, any academic problems, any problems with her 3 athletic endeavors? 4 A. The only thing was during that season there 5 was some issue on that basketball team, and she was 6 relieved of her co-captain responsibility. 7 Q. And how did you know that? 8 A. I'm sure -- I would imagine through the 9 coaches. 10 Q. And do you know what the reason was? 11 A. Not specifically. It was just a situation 12 between the girls and leadership and athletics. 13 Q. Do you know specifically if Emily Mayer was 14 having a problem with Chelsea Romig, Mr. Romig's 15 daughter? 16 A. That was part of the concern. I believe they 17 both were relieved of their co-captain 18 responsibilities, if I remember accurately. 19 Q. And do you remember what those issues were? 20 A. No, just drama. 21 Q. Okay. After Mr. Romig left the school, Emily 22 Mayer was allowed to go back on the team, correct? 23 A. Correct. 24 Q. And who was the coach of the team after that?</p>

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<p>1 A. Dave Forker.</p> <p>2 Q. Were there any problems that you were made</p> <p>3 aware of in terms of how Emily Mayer was treated on the</p> <p>4 team, either on the relationship between Emily and the</p> <p>5 players or Emily and the coach?</p> <p>6 A. After Dave took over?</p> <p>7 Q. Yes.</p> <p>8 A. No, I was not aware of anything.</p> <p>9 Q. How about Chelsea? Were there any issues with</p> <p>10 Chelsea Romig?</p> <p>11 A. Not that I was aware of.</p> <p>12 Q. Was there an issue that was brought to your</p> <p>13 attention that the Clymers -- I'm sorry, that the</p> <p>14 Smiths were upset because their daughter told them or</p> <p>15 they saw for themselves that Mr. Romig was still</p> <p>16 allowed to come to the games and sit on or near the</p> <p>17 bench of the girls basketball team where Emily Mayer</p> <p>18 was still playing?</p> <p>19 A. I believe I recall something to that extent,</p> <p>20 yes.</p> <p>21 Q. Did you have to discuss that with the coach or</p> <p>22 with Romig or with anybody?</p> <p>23 A. Yes.</p> <p>24 Q. Who did you discuss it with?</p>	<p>1 resigned, was there any discussion about him getting</p> <p>2 marital counseling?</p> <p>3 A. Not that I recall.</p> <p>4 Q. How about after his resignation, like at the</p> <p>5 meeting in March or at any other time? Do you recall</p> <p>6 anybody making a recommendation to him that he seek out</p> <p>7 some marital counseling? Anybody at FCA.</p> <p>8 A. At FCA? No.</p> <p>9 Q. Did you ever have a telephone conversation</p> <p>10 with Mr. Romig where he initially denied even sending</p> <p>11 any excessive amount of texts to Emily Mayer?</p> <p>12 A. Not that I recall.</p> <p>13 Q. Do you ever recall being told by Mr. Clymer</p> <p>14 that Mr. Romig denied sending any excessive amount of</p> <p>15 texts to Emily Mayer when he first talked to him about</p> <p>16 the allegations?</p> <p>17 A. I don't recall that.</p> <p>18 MR. GROTH: I want to mark as</p> <p>19 Hollenbach exhibit three a chain of emails between</p> <p>20 Romig, you and Clymer, starting on January 6th,</p> <p>21 2010 and going through January 7th, 2010. Would</p> <p>22 you take a look at that, please?</p> <p>23 (Exhibit Hollenbach-3 was marked for</p> <p>24 identification)</p>
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<p>1 A. With Eric.</p> <p>2 Q. What did you tell him?</p> <p>3 A. Just that he couldn't sit near the team. Some</p> <p>4 gyms, that's kind of hard to do, and that's why a</p> <p>5 situation arose. Some gyms, they're small, so. . .</p> <p>6 Q. Do you know if he was actually sitting on the</p> <p>7 bench or the players bench or seats --</p> <p>8 A. He was on the bench -- it was a continuation</p> <p>9 of the players bench in the first row of the gym. He</p> <p>10 would have been down the row.</p> <p>11 Q. On the same row.</p> <p>12 A. Right, like other spectators.</p> <p>13 MR. GROTH: Can we go off the record,</p> <p>14 please?</p> <p>15 THE VIDEOGRAPHER: That concludes DVD</p> <p>16 number two. The time is 1:33. Going off the</p> <p>17 record.</p> <p>18 (A brief recess was taken)</p> <p>19 THE VIDEOGRAPHER: Stand by, please.</p> <p>20 This begins DVD number three. The time is 1:42.</p> <p>21 We are on the record.</p> <p>22 BY MR. GROTH:</p> <p>23 Q. Mr. Hollenbach, as part of the discussion</p> <p>24 between you, Mr. Clymer and Mr. Romig right before he</p>	<p>1 BY MR. GROTH:</p> <p>2 Q. Have you ever seen these texts before?</p> <p>3 MR. RUSSELL: Just for the record, I</p> <p>4 think it's an email, all right? As opposed to. . .</p> <p>5 MR. GROTH: An email, thank you. Let me</p> <p>6 start over.</p> <p>7 BY MR. GROTH:</p> <p>8 Q. Have you ever seen these emails before?</p> <p>9 A. Yes.</p> <p>10 Q. The first one, let's talk about the first one,</p> <p>11 which is January 6th, 2010, from Stephanie Romig to</p> <p>12 you, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And in it she -- now, this is a day after he</p> <p>15 resigned. She talks about a number of things,</p> <p>16 including some information she got from her daughter,</p> <p>17 Chelsea, that word was going around that Emily Mayer</p> <p>18 liked Eric and was attracted to him in some way.</p> <p>19 Did you ever receive that kind of information</p> <p>20 from anyone else at any time during the investigation?</p> <p>21 A. No.</p> <p>22 Q. There is also on the second page a statement</p> <p>23 where Stephanie Romig said that her daughter told her</p> <p>24 "At practice today she was standing," meaning Emily</p>

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1 Mayer, "at the gym doors the entire practice watching.
2 If she is not allowed to be on the team at practice or
3 in games, then she needs to also stay away. I think
4 this is pure intimidation she is trying to pull and I
5 don't think it's right. She was apparently standing
6 there with the boys, and my guess is she was running
7 her mouth, but that is just speculation on my part."

8 My question to you is, how long did it take
9 before Emily Mayer was reinstated to the team after
10 Eric Romig resigned?

11 MR. KEMETHER: Objection to the form.

12 You can answer if you're able.

13 A. I'm not sure of the exact date.

14 Q. It appears from Stephanie that it didn't take
15 place for two days after the resignation. Do you know
16 how long it took after that?

17 A. I do not.

18 Q. Do you know of any reason why Emily Mayer was
19 not reinstated to the team after Eric Romig resigned?

20 MR. KEMETHER: Objection to form.

21 You can answer.

22 A. She was eventually.

23 Q. I know, but why didn't it happen immediately
24 after his resignation?

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1 MR. KEMETHER: Objection to form.

2 A. I don't know why it didn't happen immediately.

3 Q. Who is the one that finally made the decision
4 to allow her back on the team?

5 A. Mr. Clymer.

6 Q. Let's go back to the first page of exhibit
7 three. You then sent an email to Mr. Clymer stating
8 "Can we legally tell Emily not to hang around, or would
9 this just be a request on our part, or do we need to go
10 back to the 'old rule' of no kids are here after school
11 unless they are on a team? Let me know what you
12 think."

13 Why did you ask Mr. Clymer if there was some
14 way to legally tell Emily not to hang around?

15 A. It goes back to, there aren't really supposed
16 to be kids there after school unless they have
17 practice, unless they had a reason to be.

18 So, I was just kind of clarifying -- I'm sure
19 with all that happened, that if I go tell her that,
20 that I'm legally -- I'm not going to violate any legal
21 thing, that I'm okay to do that, to tell her that
22 obviously she was not on the team, that she needed to
23 go home.

24 Q. Then Mr. Clymer answers you back the same day,

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1 like forty-five minutes later, saying "Tell Dave to do
2 what Eric did and put up the barriers. This way we
3 don't need to talk to anyone." Who is Dave?

4 A. Dave Forker, the coach that took over.

5 Q. And what are the barriers?

6 A. Physical dividers that you can put in front of
7 the glass doors. Some coaches do that. That way they
8 feel their team is not distracted, where people can't
9 just walk in and interrupt their practice.

10 Q. And when Mr. Clymer states here that "this way
11 we don't need to talk to anybody," did you take that to
12 mean you don't need to talk to either Chelsea or to
13 Emily Mayer?

14 A. I would take that to be I wouldn't have to
15 tell Emily to go home. . .

16 Q. Okay.

17 A. . . because she wouldn't be able to stand
18 there and watch, anyway.

19 Q. And then the email above that from you to Ryan
20 Clymer on January 7th as well, you're reporting to him
21 "Emily has six total tardies, all excused. Is that okay
22 with her probation?" What did you mean by that?

23 A. Good question. Some students, if they have
24 poor attendance records, they can be put on attendance

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1 probation where they're not like other students. They
2 can't just accumulate all these tardies at school.

3 Q. Did somebody ask you to look that up?

4 A. I'm not sure.

5 Q. Is that part -- I'm sorry.

6 A. There were years where I was in charge of
7 attendance.

8 Q. I was going to ask: Is that part of your
9 normal repressibilities, to handle attendance issues?

10 A. It could have been.

11 Q. In 2010 you could have been doing that?

12 A. Yes.

13 Q. When you ask "is this okay with her
14 probation," what did you mean by that?

15 A. That's what I mean: Probation can be an
16 attendance probation. It can be a discipline
17 probation. It can be an academic probation, depending
18 on -- when a new student comes to the school, if they
19 have had other issues, they can come on probation,
20 where you're less tolerated academically, you're less
21 tolerated discipline-wise. They have their own
22 contracts written up with the parents.

23 Q. Was it your understanding on January 7th that
24 she was on -- Emily Mayer was on probation as of that

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<p>1 day?</p> <p>2 A. It reads like that.</p> <p>3 Q. Okay. Do you know why Emily Mayer was put on</p> <p>4 probation in the first place?</p> <p>5 A. Like I said, I don't know. This sounds like</p> <p>6 it was an attendance issue, because tardies -- it's not</p> <p>7 discipline. It's not academics.</p> <p>8 Q. Did Ryan Clymer tell you that he sent her home</p> <p>9 from school the day she reported this texting issue to</p> <p>10 him?</p> <p>11 A. He did not tell me that, no.</p> <p>12 Q. But you knew that she was not at the practice</p> <p>13 or basketball game at Morrisville?</p> <p>14 A. I knew she wasn't there. I didn't know whose</p> <p>15 decision that was.</p> <p>16 Q. Did you ever conclude that Emily Mayer did</p> <p>17 anything -- you personally, did you ever personally</p> <p>18 conclude that Emily Mayer did anything wrong that</p> <p>19 should result in her being suspended from school?</p> <p>20 MR. KEMETHER: Objection to form. You</p> <p>21 can answer if you're able.</p> <p>22 A. Did I think she did anything else wrong?</p> <p>23 Q. Yes. Back at that time did you have any reason</p> <p>24 to conclude that she had done something wrong to result</p>	<p>1 A. He was, I think -- I think he had children in</p> <p>2 our school. He at least was a host parent of</p> <p>3 international students.</p> <p>4 Q. Was he a member of the church?</p> <p>5 A. Not to my knowledge, no.</p> <p>6 Q. Was he a volunteer at the school or anything?</p> <p>7 Working at the school, volunteering or...</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. Do you know how many kids he had going to the</p> <p>10 school?</p> <p>11 A. My memory says one elementary daughter.</p> <p>12 Q. Did you know him back in 2010/11?</p> <p>13 A. When he was a host parent?</p> <p>14 Q. Yes.</p> <p>15 A. I knew who he was, yes.</p> <p>16 Q. Was there an investigation of Mr. Sheeler at</p> <p>17 FCA for some criminal activity he eventually pled</p> <p>18 guilty to in videotaping his host boys while they were</p> <p>19 in his house, in the bathroom or in the bedroom?</p> <p>20 A. Yes, I'm aware of that.</p> <p>21 Q. You're aware of the criminal investigation.</p> <p>22 A. Yes.</p> <p>23 Q. Was there any investigation at FCA regarding</p> <p>24 these activities?</p>
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<p>1 in her suspension from school?</p> <p>2 MR. KEMETHER: Same objection.</p> <p>3 A. She wasn't suspended from school at any time.</p> <p>4 Q. You believed at the time that she was just</p> <p>5 suspended from basketball activities?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Did anybody ever tell you at any time</p> <p>8 that Ryan Clymer told her to leave school, not just</p> <p>9 basketball but leave school, go home?</p> <p>10 MR. KEMETHER: This is the third time</p> <p>11 you've asked that question.</p> <p>12 A. No, I have no recollection of that.</p> <p>13 Q. Did Mr. Romig ever give you any information</p> <p>14 about Emily Mayer, about how she ended up at FCA for</p> <p>15 her eleventh and twelfth grades, about her history at</p> <p>16 other schools or anything like that?</p> <p>17 A. Did Mr. Romig give me information?</p> <p>18 Q. Yes.</p> <p>19 A. No.</p> <p>20 Q. At any time during your investigation of him.</p> <p>21 A. No.</p> <p>22 Q. Do you know who Michael Sheeler is?</p> <p>23 A. Yes.</p> <p>24 Q. Who is he?</p>	<p>1 A. By the principal? I don't know what the</p> <p>2 administration did in that case.</p> <p>3 Q. Do you know if the police officer who was</p> <p>4 contacted by Mr. Clymer to assist in looking into this</p> <p>5 Emily Mayer allegation was retained or consulted by FCA</p> <p>6 for any other type of investigations?</p> <p>7 A. Not that I know of.</p> <p>8 MR. GROTH: I just want to note on the</p> <p>9 record that this police officer's name was never</p> <p>10 given to the plaintiffs in any mandatory</p> <p>11 disclosures or any supplement to mandatory</p> <p>12 disclosures, and I'd like them to provide me with</p> <p>13 that name as soon as possible.</p> <p>14 For the time being, I have no other</p> <p>15 questions. Thank you.</p> <p>16 THE WITNESS: Thank you.</p> <p>17 MR. KEMETHER: Let's go around the table</p> <p>18 first.</p> <p>19 MR. RUSSELL: I have no questions.</p> <p>20 MR. COX: I have just a few.</p> <p>21 (EXAMINATION)</p> <p>22 BY MR. COX:</p> <p>23 Q. Mr. Hollenbach, my name is Rob Cox. I</p> <p>24 represent Pennridge School District, Tom Creeden and</p>

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<p>1 David Babb, and I probably just have a few questions 2 for you here. 3 Was Mr. Romig a good coach, setting aside the 4 issues with Emily Mayer, in your view? 5 A. Yes. 6 Q. Why do you say that? 7 A. He understood athletics. He knew his sports. 8 He handled his team well. He involved parents. He was 9 approachable for parents. So, in all aspects of 10 coaching with kids and parents and the sport. He 11 handled it all very well. 12 Q. Other than the complaint which Emily Mayer 13 filed with FCA, are you aware of any other complaint 14 about Mr. Romig that was filed with FCA during his 15 tenure there? 16 A. No. 17 Q. Do you have any reason to know what Mr. 18 Romig's reputation was as a coach within the FCA 19 community? Do you understand my question? 20 A. What his reputation was among the FCA 21 community? 22 MR. KEMETHER: As a coach. 23 THE WITNESS: As a coach. 24 MR. COX: As a coach.</p>	<p>1 of 2010. 2 MR. COX: All right. 3 MR. KEMETHER: There was a meeting with 4 Mr. Romig and Mr. Hollenbach and Mr. Clymer at 5 about the 3rd or 4th of January 2010. 6 MR. COX: All right. 7 BY MR. COX: 8 Q. On the 3rd or 4th of January 2010, at the 9 meeting with you, Mr. Clymer and Mr. Romig, my 10 understanding was that Mr. Romig told the group that he 11 didn't believe he had done anything wrong vis-a-vis the 12 Emily Mayer allegations. Did you testify to that? 13 A. Yes, I believe that's what I said. Yes. 14 Q. Did you believe Mr. Romig at the time that he 15 said that? 16 A. Yes. 17 Q. Did you at any point subsequent to that 18 meeting change your view? 19 A. Of not believing him? 20 Q. Yes. 21 A. No. 22 Q. At the time of Mr. Romig's resignation from 23 FCA as the girl's basketball coach, did you believe him 24 to be a danger or a threat of any kind to students at</p>
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<p>1 THE WITNESS: I thought it was good, as 2 far as I knew. 3 BY MR. COX: 4 Q. I think you testified that you don't have any 5 recollection of ever discussing with Mr. Babb the 6 allegations that Emily Mayer made with respect to Mr. 7 Romig. 8 Did I understand that testimony correctly? 9 A. Correct, I do not recall any conversation. 10 Q. Do you recall discussing Mr. Romig with any 11 employee or staff member at Pennridge School District? 12 A. No. 13 Q. When you met with Mr. Romig and Mr. Clymer and 14 I believe Pastor Auckland on January 3rd or 4th of 15 2010, I believe you testified that Mr. Romig told the 16 group in that meeting that he hadn't done anything 17 wrong. 18 Did I understand you to say that -- did I 19 understand you to testify that Mr. Romig said that? 20 MR. KEMETHER: Just so I'm clear, the 21 meeting involving Pastor Auckland, I believe, was 22 in March of -- 23 MR. COX: Was earlier? 24 MR. KEMETHER: Was after. It was March</p>	<p>1 FCA or students anywhere else? 2 A. No. 3 Q. Subsequent to his resignation and up until his 4 arrest in October of 2013, did your assessment change 5 in that time period? 6 MR. KEMETHER: Until his arrest. 7 MR. COX: Until his arrest. 8 THE WITNESS: No. 9 MR. COX: That's all I have. Thank 10 you. 11 MR. SANTARONE: I don't have any 12 questions. 13 MS. CONNOR: I don't have any 14 questions. 15 MR. KEMETHER: I do have one. 16 (EXAMINATION) 17 BY MR. KEMETHER: 18 Q. Did Emily Mayer ever come before you, whether 19 in person, by phone, email, text, letter, any other 20 way, to make any complaints whatsoever about Eric 21 Romig? 22 A. To me? 23 Q. To you. 24 A. No.</p>

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<p>1 MR. KEMETHER: No further questions. 2 Thank you. 3 MR. GROTH: Give me one second, please. 4 Can we go off the record for a second? 5 THE VIDEOGRAPHER: 2:01. Off the 6 record. 7 (There was a discussion held off the 8 record) 9 MR. GROTH: Let's go back on the 10 record, please. 11 THE VIDEOGRAPHER: Stand by, please. 12 2:02, back on the record. 13 (EXAMINATION) 14 BY MR. GROTH: 15 Q. Mr. Hollenbach, is it your understanding that 16 whatever advice Jeff Drake gave to Mr. Clymer about how 17 the issue with Mr. Romig should be handled was actually 18 followed by Mr. Clymer? Was that your understanding? 19 A. That was my understanding. 20 Q. Okay. And as part of Romig exhibit four, 21 which is a group of documents from FCA regarding Mr. 22 Romig's employment there, including his contracts and 23 whatever, there is an undated notice, I think, of some 24 type from Daniel Schmidt, on behalf of the school</p>	<p>1 A. Well, there was -- to ask someone to resign 2 gives them a choice. 3 Q. And was it your understanding at the time that 4 he actually had a choice, Mr. Romig had an actual 5 choice as to whether to resign or not? 6 A. At that time I'm not sure. 7 Q. Have you ever heard of a corporation or a 8 government official giving an individual employee an 9 opportunity to resign instead of terminating them 10 directly? Have you ever heard of that situation 11 happening? 12 A. Sure. 13 Q. Isn't that what happened here? 14 A. That he was asked to resign? 15 Q. No; that instead of terminating him directly, 16 he was asked to resign. 17 A. No, he was asked to resign. 18 MR. KEMETHER: Objection to form. 19 Q. Did Mr. Romig ever threaten to sue FCA for 20 telling him -- strike that: For asking him to resign? 21 A. I wouldn't use the word threatened, but it was 22 discussed. 23 Q. And what did he say, if anything, about what 24 the basis for his claim would be?</p>
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<p>1 board, to the parents at Faith Christian. 2 I just want to ask you about one part of it. 3 Let me let you read it first just briefly to yourself 4 and then I'll ask you a couple of questions about it. 5 (Pause) 6 THE WITNESS: Okay. 7 MR. GROTH: Okay? 8 BY MR. GROTH: 9 Q. My question is this: In the second paragraph 10 of that letter to parents it says "Regardless of 11 content, FCA believed the amount of text-message 12 communication between a student and school employee to 13 be inappropriate and concluded that FCA's association 14 with Mr. Romig could no longer continue." 15 According to your understanding of what went 16 on during the investigation and this time period before 17 Mr. Romig resigned, would you say that's a correct 18 statement? 19 MR. KEMETHER: Objection to form. You 20 can answer if you're able. 21 A. Not exactly. It sounds like he was fired when 22 he was asked to resign. 23 Q. Okay. What distinction do you make between 24 asking somebody to resign and firing them, if any?</p>	<p>1 A. That he could have sued based on there was no 2 truth to the allegations. 3 Q. Did he also threaten to sue the Smiths? 4 A. I don't have any recollection of that. 5 Q. Do you recall ever having a conversation or 6 seeing an email or other writing from him saying that 7 he should sue them for slander? 8 A. Did I see that? I don't recall seeing 9 anything. 10 Q. Do you remember if he ever put that in one of 11 the letters to you from jail? 12 A. I don't remember it being in there, no. 13 Q. Okay. 14 MR. GROTH: No further questions. 15 Thank you. 16 MR. KEMETHER: Nothing further. 17 THE VIDEOGRAPHER: That concludes this 18 deposition. The time is 2:07. We are off the 19 record. 20 (The videotaped deposition was 21 concluded at 2:07 p.m.) 22 23 24</p>

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5	I hereby acknowledge that I have read the	5	I hereby certify that the testimony and
6	aforegoing transcript, and the same is a true and	6	the proceedings in the foregoing matter are contained
7	correct transcription of the answers given by me to the	7	fully and accurately in the stenographic notes taken by
8	questions propounded, except for the changes, if any,	8	me and that the copy is a true and correct transcript
9	noted on the Errata Sheet.	9	of the same.
10		10	
11		11	
12	-----	12	Lance A. Brusilow
13		13	Registered Professional Reporter
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15		15	
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17	SIGNATURE: _____	17	The foregoing certification does not
18		18	apply to any reproduction of the same by any means
19	DATE: _____	19	unless under the direct control and/or supervision of
20		20	the certifying shorthand reporter.
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<p style="text-align: right;">Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA CIVIL TRIAL DIVISION</p> <p>—</p> <p>JAMES NACE, et al : CIVIL ACTION</p> <p>vs. :</p> <p>PENNRIDGE SCHOOL DISTRICT, : </p> <p>et al. : NO. 15-333</p> <p>—</p> <p>Thursday, November 5, 2015</p> <p>—</p> <p>Oral deposition of JEFFREY DRAKE, ESQUIRE, held at the law offices of DRAKE, HILEMAN & DAVIS, 252 W. Swamp Road, #15, Doylestown, Pennsylvania, beginning at 10:00 a.m., on the above date, before LANCE A. BRUSILOW, Registered Professional Reporter, Approved Reporter for the United States District Court, and Notary Public, there being present.</p> <p>-----</p> <p>brusilow + associates 255 South 17th Street Suite 1503 Philadelphia, PA 19103 215.772.1717 www.brusilow.com</p>	<p style="text-align: right;">Page 3</p> <p>(APPEARANCES - CONTD.)</p> <p>KELLY, GRIMES, PIETRANGELO & VAKIL, P.C. BY: VERONICA N. OLSZEWSKI, ESQUIRE 36 East Second Street Media, PA 19063 ph: 610.565.0600 (volszewski@kgpv.com) Counsel for Ryan Clymer and Russell Hollenbach</p> <p>DRAKE, HILEMAN & DAVIS BY: JONATHAN J. RUSSELL, ESQUIRE 252 W. Swamp Road, #15 Doylestown, PA 18901 ph: 215.348.2088 (jrusell@dhdllaw.com) Counsel for Faith Christian Defendants</p> <p>ALSO PRESENT: Henry Thompson</p>						
<p style="text-align: right;">Page 2</p> <p>APPEARANCES</p> <p>HORNSTINE PELLONI & HORNSTINE BY: DAVID GROTH, ESQUIRE 1500 Walnut Street Suite 300 Philadelphia, PA 19102 ph: 215.568.4968 (david@hornstine.com) Counsel for Plaintiffs</p> <p>MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN BY: JOSEPH J. SANTARONE, ESQUIRE 2000 Market Street Suite 2300 Philadelphia, PA 19103 ph: 215.575.2626 (jjsantarone@mdwcg.com) Counsel for Faith Christian Academy</p> <p>EASTBURN & GRAY, P.C. BY: JOANNE D. SOMMER, ESQUIRE 60 East Court Street Doylestown, PA 18901 ph: 215.345.7000 (jsommer@eastburngray.com) Counsel for Pennridge School District and individual Pennridge defendants</p> <p>CASSIDY CONNOR PITCHFORD BY: CARLA E. CONNOR, ESQUIRE 205 East Swedesford Road Suite #346 Wayne, PA 19087 ph: 610.783.3513 (cconnor@ccplegal.com) Counsel for FCA, Ryan Clymer and Russell Hollenbach</p>	<p style="text-align: right;">Page 4</p> <p>INDEX</p> <p>WITNESS: JEFFREY DRAKE, ESQUIRE</p> <p>By Mr. Groth: Page 6 and 101 By Ms. Sommer: Page 100</p> <p>EXHIBITS</p> <table border="0"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>PAGE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Six pages of handwritten notes</td> <td>16</td> </tr> </tbody> </table>	NO.	DESCRIPTION	PAGE	1	Six pages of handwritten notes	16
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1	Six pages of handwritten notes	16					

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Appendix 0378

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<p>1 (It is hereby agreed by and among 2 counsel that sealing, certification and 3 filing are waived; and that all objections, 4 except as to the form of the question, are 5 reserved until the time of trial) 6 MR. RUSSELL: This is a little bit 7 unusual in the sense that Attorney Drake 8 serves as general counsel for FCA, and so I 9 want to make sure that the record is clear 10 as to what the discovery is able to deal 11 with and what's been waived. 12 Jeff Drake was and remains general 13 counsel for Faith Christian Academy, and it 14 is in that capacity that he has in the past 15 and continues to provide legal counsel to 16 FCA and its employees, such as Ryan Clymer. 17 It's my understanding that Jeff 18 Drake's deposition is being taken today 19 regarding his communications while providing 20 legal counsel to FCA and Ryan Clymer from 21 December 23rd, 2009, when he was first 22 contacted by Ryan Clymer about Eric Romig 23 and Emily Mayer, through January 6th, 2010, 24 when he had his last substantive</p>	<p>1 A. Good morning, Mr. Groth. 2 Q. Since you are an attorney and have been 3 in practice for a long time, I can assume I can 4 dispense with the instructions, the guidelines 5 about participating in a deposition? 6 A. Sure. 7 Q. Okay, Mr. Russell read a statement for 8 the record before we began your deposition and 9 actually provides me with some information I was 10 going to ask you about, anyway, but let's start 11 with that: How long have you been general counsel 12 for Faith Christian Academy? 13 A. I believe it goes back to around 2006. 14 Q. Have you ever been a member of Faith 15 Baptist Church? 16 A. No. 17 Q. Did you ever have any children who were 18 educated at Faith Christian Academy? 19 A. No. 20 Q. Did you ever attend Faith Christian 21 Academy? 22 A. No. 23 Q. Where did you go to high school? 24 A. Valley Central High school, Montgomery,</p>
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<p>1 conversation with Ryan Clymer regarding this 2 issue. 3 While such communications between 4 attorney and client are privileged and not 5 discoverable, because Ryan Clymer and FCA 6 have raised the defense of advice of 7 counsel, the privilege has been waived by 8 Ryan Clymer and FCA for all communications 9 between attorney and client from December 10 23rd, 2009 through January 6th, 2010. 11 Finally, Jeff Drake is appearing 12 here today as a fact witness relative to the 13 substance of any of his conversations 14 between himself and Ryan Clymer or any other 15 representatives of FCA, as well as the 16 advice he provided to FCA and its employees 17 between December 23rd, 2009 and January 6th, 18 2010. 19 JEFFREY DRAKE, ESQUIRE, having 20 been first duly sworn, was examined and 21 testified as follows: 22 (EXAMINATION) 23 BY MR. GROTH: 24 Q. Good morning, Mr. Drake.</p>	<p>1 New York. 2 Q. And was that a public school or Christian 3 school? 4 A. It was a public school. 5 Q. I have your bio from your website, so I 6 don't need to go over all the rest of your 7 educational background. 8 I would like to get some other 9 information from you, though, before I start 10 asking you about the matter at issue between 11 December 23rd, 2009 and January 6th, 2010 12 involving Emily Mayer and Eric Romig. 13 First, have you reviewed any documents in 14 preparation for this deposition? 15 A. I have. 16 Q. And what documents are those? 17 A. I looked at my notes from three 18 conversations I had with Ryan during those periods 19 that you mentioned, and I also looked at Ryan's 20 deposition, at Emily's deposition, and I may have 21 looked at the dad's deposition -- 22 Q. That would be Ken Smith's deposition? 23 A. Yes, but the ones I looked at recently in 24 preparation to coming down here and talking to you</p>

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<p>1 would have been Ryan's and Emily's.</p> <p>2 Q. How about Pastor Paul Auckland's</p> <p>3 deposition? Did you review that at all?</p> <p>4 A. I did not.</p> <p>5 Q. Did you review the exhibits that were</p> <p>6 marked at the deposition of Ryan Clymer?</p> <p>7 A. I did not, although -- I didn't go to the</p> <p>8 back of the book and look at them, but there may</p> <p>9 be one in there that I did see.</p> <p>10 Q. Do you recall which one that was?</p> <p>11 A. It was the one that was an email from</p> <p>12 Emily Mayer's mother to Ryan toward the end of</p> <p>13 2009.</p> <p>14 Q. Was that the email that was basically a</p> <p>15 typed recitation by Emily Mayer of the type of</p> <p>16 inappropriate texts that she claimed she was</p> <p>17 receiving from Mr. Romig?</p> <p>18 A. I believe so. If you could show it to</p> <p>19 me, I think I could identify it.</p> <p>20 Q. I'll show you what was marked as Romig</p> <p>21 exhibit six at his deposition.</p> <p>22 A. I don't remember the email, first thing.</p> <p>23 Q. Okay.</p> <p>24 A. Yes, I've seen this document.</p>	<p>1 Q. Okay.</p> <p>2 A. I knew there were transcripts -- that had</p> <p>3 been reported to me --</p> <p>4 Q. Logs? Telephone logs?</p> <p>5 A. Logs, that's correct.</p> <p>6 Q. That's okay. As I understand it, you're</p> <p>7 still general counsel, to this day, for Faith</p> <p>8 Christian Academy?</p> <p>9 A. Yes, I am.</p> <p>10 Q. Are you personally involved in their</p> <p>11 defense in this case?</p> <p>12 A. I've tried to stay out of any involvement</p> <p>13 with it once it was determined that they may be</p> <p>14 going with an advice-of-counsel defense.</p> <p>15 Q. But your firm is.</p> <p>16 A. My firm is.</p> <p>17 Q. Did you do anything prior to the</p> <p>18 deposition in preparation for the deposition to</p> <p>19 obtain information or to refresh your recollection</p> <p>20 about the events that occurred with regard to the</p> <p>21 Emily Mayer and Eric Romig allegations back in</p> <p>22 2009?</p> <p>23 Did you try to accumulate some</p> <p>24 information or get some facts from any source?</p>
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<p>1 MR. RUSSELL: "This," just for the</p> <p>2 record, being the second page of what's been</p> <p>3 previously marked as Romig-6.</p> <p>4 THE WITNESS: In preparation for</p> <p>5 talking to you today.</p> <p>6 BY MR. GROTH:</p> <p>7 Q. And the heading of that page is "Emily</p> <p>8 Mayer's Statements," correct?</p> <p>9 A. Correct.</p> <p>10 Q. Did you review any other documents other</p> <p>11 than the transcripts that you mentioned and some</p> <p>12 of the exhibits?</p> <p>13 A. That's all I'm remembering right now.</p> <p>14 Q. Did you review the telephone logs for</p> <p>15 Emily Mayer's telephone showing text messages sent</p> <p>16 to her by Eric Romig that were marked Romig</p> <p>17 exhibits five and seven?</p> <p>18 A. I don't believe so.</p> <p>19 Q. Do you want to look at them just to make</p> <p>20 sure? Again, they were attached to the back of the</p> <p>21 transcript of Mr. Clymer -- I'm sorry, they were</p> <p>22 not. They were attached to the deposition</p> <p>23 transcript of Mr. Romig.</p> <p>24 A. Yes, I don't believe I've seen these.</p>	<p>1 A. I went to my notes -- early on, when we</p> <p>2 got Mr. Hornstine's letter, I would have talked to</p> <p>3 Ryan Clymer or Henry.</p> <p>4 But again, when it was determined that I</p> <p>5 might be giving a deposition, I stopped doing that</p> <p>6 kind of stuff.</p> <p>7 Q. When you got these, you said -- I think</p> <p>8 Mr. Russell said -- no, you said three telephone</p> <p>9 conversations with Mr. Clymer?</p> <p>10 A. Correct.</p> <p>11 Q. (Continuing) -- you have notes of those</p> <p>12 telephone conversations?</p> <p>13 A. I do.</p> <p>14 Q. Did you actually open a file with regard</p> <p>15 to that consultation with FCA?</p> <p>16 A. This is not as easy an answer.</p> <p>17 Technically, I didn't open a file and give it a</p> <p>18 new number.</p> <p>19 When you represent an organization, you</p> <p>20 will sometimes just take notes and put it in a</p> <p>21 manila folder and put it in, you know, a general</p> <p>22 file or something like that.</p> <p>23 Q. Are you on retainer with FCA?</p> <p>24 A. I'm not.</p>

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<p>1 Q. Do you get paid by the hour?</p> <p>2 A. Yes.</p> <p>3 Q. Did you get paid for whatever</p> <p>4 consultation or advice or discussions you had with</p> <p>5 Ryan Clymer or anybody else at FCA regarding the</p> <p>6 Emily Mayer/Eric Romig situation?</p> <p>7 A. I'd have to check. Sometimes, when</p> <p>8 things don't go far, you know. . .</p> <p>9 Q. You may not send a bill.</p> <p>10 A. Right. But I could have, could not have.</p> <p>11 I don't know.</p> <p>12 Q. In connection with that issue, the Mayer</p> <p>13 and Romig issue, did Ryan Clymer or anybody else</p> <p>14 from Faith Christian Academy provide you with any</p> <p>15 documents during the time frame referenced by your</p> <p>16 attorney, December 23rd, 2009 to January 6th,</p> <p>17 2010?</p> <p>18 A. I do not believe so, and I'm fairly</p> <p>19 confident of that because you previously sent out</p> <p>20 discovery and you asked for correspondence and</p> <p>21 communications, and I looked and I could not find</p> <p>22 any correspondence that I either sent or received</p> <p>23 from people at Faith during that time.</p> <p>24 Q. On that issue.</p>	<p>1 A. That's correct.</p> <p>2 Q. Did you speak to any other individual at</p> <p>3 Faith Christian Academy or Faith Baptist Church</p> <p>4 regarding the Emily Mayer/Eric Romig situation</p> <p>5 other than or besides Ryan Clymer?</p> <p>6 A. The only person I had had contact with on</p> <p>7 that matter back then was Ryan, the only person.</p> <p>8 Q. Is that borne out by your notes that you</p> <p>9 have in the file? I mean, do you have any notes</p> <p>10 that show any conversations or contact with</p> <p>11 anybody else at FCA about the issue?</p> <p>12 A. No.</p> <p>13 Q. You did review your notes before your</p> <p>14 deposition, correct?</p> <p>15 A. I did.</p> <p>16 Q. And how extensive are your notes?</p> <p>17 A. My notes are not great. They are initial</p> <p>18 notes you would take during a phone call, jotting</p> <p>19 things down. They're not easily read and they're</p> <p>20 not in any way detailed.</p> <p>21 The second time, second conversation, I</p> <p>22 did try to go back and try to fill in some blanks</p> <p>23 or fill in some gaps, but these are notes that</p> <p>24 would never have been sent to the client or -- I</p>
Page 14	Page 16
<p>1 A. On that issue, right.</p> <p>2 Q. So, the telephone logs and the Emily</p> <p>3 Mayer statements were not provided to you back in</p> <p>4 2009/2010.</p> <p>5 A. Correct.</p> <p>6 Q. And Mr. Clymer did not send you any</p> <p>7 written documents, such as an email or a text or a</p> <p>8 photocopy of something, anything of that nature?</p> <p>9 A. I believe that is correct.</p> <p>10 Q. Did you send him any letters or</p> <p>11 correspondence or any written material?</p> <p>12 A. I don't believe I did. I just want to</p> <p>13 say, you know, it's almost six years ago.</p> <p>14 Q. Sure.</p> <p>15 A. I'm fairly confident of my answers here,</p> <p>16 but. . .</p> <p>17 Q. Do you recall requesting any documents</p> <p>18 from Mr. Clymer? That if he had obtained through</p> <p>19 the Emily Mayer/Romig situation any documents,</p> <p>20 that you would like to see those documents?</p> <p>21 A. We haven't really gotten to that point</p> <p>22 yet.</p> <p>23 Q. So, the answer is no, you didn't request</p> <p>24 any documents.</p>	<p>1 thought they were for my own personal use and</p> <p>2 they're not the best.</p> <p>3 Q. How many pages of notes do you have?</p> <p>4 A. Five, maybe six. I mean, that's a guess.</p> <p>5 Q. Can I see those notes?</p> <p>6 MR. RUSSELL: I'm fine with that.</p> <p>7 I think, as part of the basis of the</p> <p>8 privilege, we can disclose those.</p> <p>9 MR. GROTH: These notes obviously</p> <p>10 only have to do with this issue, correct?</p> <p>11 MR. RUSSELL: Yes.</p> <p>12 MR. GROTH: Thank you. Can we get</p> <p>13 copies? I'm sure everybody would like to see</p> <p>14 these. Can you just make copies and we can</p> <p>15 mark them as an exhibit?</p> <p>16 MR. RUSSELL: Do you want to take</p> <p>17 a break and do it now?</p> <p>18 MR. GROTH: Yes, please. Let's go</p> <p>19 off the record.</p> <p>20 (A brief recess was taken)</p> <p>21 (Exhibit Drake-1 was marked for</p> <p>22 identification)</p> <p>23 MR. GROTH: For the record, Mr.</p> <p>24 Russell was kind enough to make us copies of</p>

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<p>1 Mr. Drake's notes with regard to the</p> <p>2 Mayer/Romig issue we're talking about.</p> <p>3 BY MR. GROTH:</p> <p>4 Q. Mr. Drake, are these all of the notes</p> <p>5 that you took with regard to that issue?</p> <p>6 A. They are.</p> <p>7 Q. And was there any discussion between you</p> <p>8 and anybody at FCA regarding the Mayer/Romig</p> <p>9 situation after January 6th, 2010?</p> <p>10 A. Only once the letter from Mr. Hornstine</p> <p>11 came and we saw there was an action, but January</p> <p>12 6th, 2010 was the last substantive conversation I</p> <p>13 had with Ryan about this matter.</p> <p>14 I closed my file and didn't think</p> <p>15 anything more about it until the news broke about</p> <p>16 your client.</p> <p>17 Q. That would have been in 2013, correct?</p> <p>18 A. Correct.</p> <p>19 Q. I don't see any dates on any of the pages</p> <p>20 of notes. Is that correct?</p> <p>21 A. There are no dates.</p> <p>22 Q. I'll come back to those in a minute.</p> <p>23 A. These comprise three different</p> <p>24 conversations.</p>	<p>1 been on a board at Faith Christian Academy?</p> <p>2 A. I don't believe so.</p> <p>3 Q. Not the Board of Deacons or the board of</p> <p>4 directors? Any board at all?</p> <p>5 A. No.</p> <p>6 Q. Do you know any members of Faith</p> <p>7 Christian Academy or Faith Baptist Church</p> <p>8 socially?</p> <p>9 In other words, did you socialize with</p> <p>10 any of the members or administrators of the school</p> <p>11 or pastors or anything like that? Outside of your</p> <p>12 professional capacity as representing them.</p> <p>13 A. I know lots of people at Faith. My kids</p> <p>14 go to another Christian school and we played Faith</p> <p>15 for years. So, I know people there.</p> <p>16 I don't believe I've ever socialized with</p> <p>17 Ryan or Henry or Pastor Paul. Henry and I may</p> <p>18 have been to lunch, and I'm not even sure about</p> <p>19 that.</p> <p>20 MR. RUSSELL: Just a moment,</p> <p>21 please.</p> <p>22 (There was a discussion held off</p> <p>23 the record)</p> <p>24 MR. GROTH: We're back on the</p>
Page 18	Page 20
<p>1 Q. I understand. Can you separate them by</p> <p>2 the conversations, by page?</p> <p>3 A. Not exactly, but I can tell you some</p> <p>4 things about them. I feel confident about the</p> <p>5 first conversation.</p> <p>6 Q. Okay.</p> <p>7 A. It would be the first two notes, pages of</p> <p>8 notes, without the red additional comments.</p> <p>9 Q. So, the last three pages of notes would</p> <p>10 have been for the second and third telephone</p> <p>11 conversations?</p> <p>12 A. I believe, yes.</p> <p>13 Q. Actually, the last four pages of notes.</p> <p>14 There are six pages in total, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever done any fund-raising for</p> <p>17 Faith Christian Academy?</p> <p>18 A. I have never done any fund-raising. I</p> <p>19 did attend this past year an auction and had</p> <p>20 dinner and there was an auction, but I didn't do</p> <p>21 anything other than -- I don't know if we bought</p> <p>22 something.</p> <p>23 Q. Have you ever been on a board at -- I</p> <p>24 know you're general counsel, but have you ever</p>	<p>1 record.</p> <p>2 BY MR. GROTH:</p> <p>3 Q. What school do your kids go to?</p> <p>4 A. Plumstead Christian School.</p> <p>5 Q. I notice from your bio on the internet</p> <p>6 that you do a lot of representation of nonprofit</p> <p>7 corporations, such as churches, Christian schools,</p> <p>8 admission boards. Is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. Does that include Plumstead Christian</p> <p>11 School?</p> <p>12 A. It does.</p> <p>13 Q. Are you general counsel for them, also?</p> <p>14 A. Yes.</p> <p>15 Q. Are you general counsel for any other</p> <p>16 Christian schools?</p> <p>17 A. Yes.</p> <p>18 Q. Which are those?</p> <p>19 A. Calvary Baptist Christian School, Upper</p> <p>20 Bucks Christian School. I think they're the four</p> <p>21 right now.</p> <p>22 Q. When you had your telephone conversations</p> <p>23 with Ryan Clymer regarding the Mayer/Romig</p> <p>24 situation, did you discuss with him the</p>

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<p>1 Pennsylvania Child Protective Services Law?</p> <p>2 A. No.</p> <p>3 Q. Back in 2009 when those conversations</p> <p>4 took place, did you have any professional</p> <p>5 familiarity with the provisions of the</p> <p>6 Pennsylvania Child Protective Services Law?</p> <p>7 A. Yes.</p> <p>8 Q. How did you have that familiarity?</p> <p>9 A. Well, representing the types of clients I</p> <p>10 do, these questions came up relatively often.</p> <p>11 People would call and want to know do I have to</p> <p>12 report something, you know, tell me about this.</p> <p>13 I also taught a class down at what's now</p> <p>14 Cairn University. It was a fourteen-week -- it</p> <p>15 was a full-semester course. I think one of the</p> <p>16 sessions we spent on this as well as other issues.</p> <p>17 The name of the course was Law & Risk</p> <p>18 Management, so we would have addressed this issue.</p> <p>19 Q. "This issue" being the mandatory</p> <p>20 reporting requirements of the . . .</p> <p>21 A. Correct.</p> <p>22 Q. . . Child Protective Services Law of</p> <p>23 Pennsylvania.</p> <p>24 A. Correct.</p>	<p>1 the statute, correct?</p> <p>2 A. Correct.</p> <p>3 Q. But you don't know for sure if you have</p> <p>4 any other training, instruction or study with</p> <p>5 regard to the interpretation or limitation of the</p> <p>6 law? Before 2009.</p> <p>7 A. Right. I read articles. There were</p> <p>8 plenty of issues with the old law, plenty. And</p> <p>9 then the legislature tried to pass a patch, and</p> <p>10 that addressed some of them but not others.</p> <p>11 So, yes, I had familiarity with it. I</p> <p>12 can't tell you if I specifically took a seminar on</p> <p>13 it.</p> <p>14 Q. All right. In terms of the change in the</p> <p>15 law that started at the end of 2014 or beginning</p> <p>16 of 2015, do you know if David Hecker was involved</p> <p>17 in that commission or group that implemented those</p> <p>18 changes?</p> <p>19 A. He may have even been the chairman.</p> <p>20 Q. Do you know who else was on the</p> <p>21 commission or consulted with regard to the changes</p> <p>22 in the law? Any particular people?</p> <p>23 A. I don't, other than I think the people</p> <p>24 who gave the webinar, I got the impression that</p>
Page 22	Page 24
<p>1 Q. When did you teach that course?</p> <p>2 A. Well, I did it four different times over</p> <p>3 probably a period of eight years.</p> <p>4 Q. Starting when?</p> <p>5 A. I don't remember.</p> <p>6 Q. It's before 2009?</p> <p>7 A. Before 2009, yes.</p> <p>8 Q. Did you ever take any courses or training</p> <p>9 yourself to familiarize yourself with the Child</p> <p>10 Protective Services Law in Pennsylvania, including</p> <p>11 how to interpret the law and how to implement the</p> <p>12 law?</p> <p>13 A. You know, I'm thinking several recently</p> <p>14 because of the substantial change in the law, and</p> <p>15 I did a few webinars.</p> <p>16 Q. You're talking about the ones that</p> <p>17 changed at the end of 2014?</p> <p>18 A. Correct. I've done webinars. Whether I</p> <p>19 did a seminar or a webinar before then, I don't</p> <p>20 have a recollection one way or the other.</p> <p>21 Q. Before 2009?</p> <p>22 A. Yes, I don't know.</p> <p>23 Q. So, your familiarity with the provisions</p> <p>24 of the law were certainly from your own reading of</p>	<p>1 they were on that commission.</p> <p>2 Q. Okay.</p> <p>3 A. There was a woman district attorney, and</p> <p>4 I don't remember who the other gentleman was.</p> <p>5 Q. Was this webinar run by some organization</p> <p>6 like PBI or somebody?</p> <p>7 A. I know I got credit. I don't know who</p> <p>8 did it.</p> <p>9 Q. CLE credit?</p> <p>10 A. Yes.</p> <p>11 Q. At Faith Christian Academy back in 2009,</p> <p>12 was Ryan Clymer the person, the administrator or</p> <p>13 the compliance officer who was a mandatory</p> <p>14 reporter, someone who was required to report</p> <p>15 instances of child abuse or harassment to the</p> <p>16 authorities?</p> <p>17 A. He was the headmaster of the school.</p> <p>18 Q. Right.</p> <p>19 A. I don't know if he was the compliance</p> <p>20 officer. I don't know if they called them</p> <p>21 mandated reporters back then. But in his capacity</p> <p>22 as the administrator, he would have been a person</p> <p>23 who would have had to report if he had the</p> <p>24 necessary grounds to do so.</p>

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<p>1 Q. I already asked you, I believe, if you 2 had any conversations with anybody else at FCA 3 regarding the Romig/Mayer situation other than 4 Ryan Clymer, and I think you said no. Is that 5 correct? 6 A. During that time. 7 Q. During that time? 8 A. That's the only contact, yes. 9 Q. Not with Henry Thompson or any other 10 pastor or any other board member? 11 A. Just Ryan, three phone calls with Ryan. 12 Q. Was Doug Weiss a board member in 2009? 13 A. I don't know. 14 Q. Do you know if he was ever a board 15 member? 16 A. The name Weiss sounds familiar, but I 17 don't know. 18 Q. Other than these notes that you took of 19 your conversations with Ryan Clymer, did you ever 20 prepare any formal opinion letter or writing 21 expressing your opinion to your client regarding 22 any issue in connection with the Emily Mayer/Eric 23 Romig situation? 24 A. No, I never sent -- I never prepared an</p>	<p>1 BY MR. GROTH: 2 Q. You were starting to say you were going 3 to attend a school board meeting? 4 A. Right. I don't want to get ahead of your 5 question, but -- 6 Q. Go right ahead. 7 A. -- Romig had resigned as of January 5th, 8 and as of January 6th it looked like he was having 9 second thoughts about his resignation. 10 And there was going to be a school board 11 meeting the next night, and Ryan wanted Romig to 12 remain terminated or resigned from the school and 13 thought that, you know, maybe it would be helpful 14 if I could be at the meeting to give some 15 background and try to convince the board that 16 Romig should remain unemployed. 17 Q. Remain unemployed. 18 A. Right, by the school. 19 Q. Okay. 20 A. So -- 21 Q. By the way, let me stop you for a second: 22 When you say "the school board," you're talking 23 about the Board of Deacons for FCA? 24 A. I think, yes. I mean, whoever the board</p>
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<p>1 opinion letter nor did I send him anything. 2 Q. Were you asked to do that by Mr. Clymer? 3 A. No. But in fairness, I don't know what 4 would have happened. As you may or may not know 5 -- and I'm sure we'll get to it -- I got out of 6 the case pretty abruptly. So, whether he would 7 have asked me to do that or not. . . 8 Q. I'm just asking if he did. 9 A. I don't know. 10 Q. When you say you got out of case 11 abruptly, why was that? 12 A. Well, I had that conversation with Ryan 13 on December 23rd and then another one on January 14 6th. And while we haven't gotten into the content 15 of that yet, I can tell you that when we hung up 16 on January 6th I was planning on attending a 17 school board meeting the next night. 18 MR. GROTH: Let's go off the 19 record. 20 (There was a discussion held off 21 the record) 22 MR. GROTH: We're back on the 23 record. 24</p>	<p>1 is. 2 Q. FCA's board. That's who your talking 3 about. 4 A. FCA, yes. 5 Q. Okay, I'm sorry. Go ahead. 6 A. There is a deacon board. There is an FCA 7 board. I think they could be the same. . . 8 Q. I know, it changed over time, but go 9 ahead. 10 A. So, that's what I geared up to do. The 11 next morning I come into work and somehow I'd -- 12 because we have a conflicts checks that we 13 normally go through and whatnot, but somehow my 14 associate, who is no longer with us, heard the 15 name Romig and he said, "Oh, I represent Eric 16 Romig and his wife." I said, you do? And I asked 17 him to tell me what he did. 18 I don't feel at liberty to say what he 19 did just because of their confidentiality, but it 20 had nothing whatsoever to do with this case. 21 Q. All right. 22 A. So, then you think about potential 23 conflict. So, I asked him are they present 24 clients? And he said no, he wasn't doing anything</p>

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<p style="text-align: right;">Page 29</p> <p>1 for them right then.</p> <p>2 But I said, could they consider us their</p> <p>3 attorneys? Do they believe we're still their</p> <p>4 attorneys? And based upon what he had done for</p> <p>5 them, yeah, they would consider Drake, Hileman &</p> <p>6 Davis their attorneys.</p> <p>7 So, I said look -- I made this decision:</p> <p>8 Whether technically it was a conflict of interest,</p> <p>9 it certainly could have the appearance of a</p> <p>10 conflict, so I made a decision right then and</p> <p>11 there, on Thursday morning, the 7th of January, I</p> <p>12 didn't want to represent the school in this matter</p> <p>13 against Eric Romig.</p> <p>14 Q. So, you didn't go to that meeting.</p> <p>15 A. I did not.</p> <p>16 Q. Did you advise Mr. Clymer or FCA to get</p> <p>17 another attorney?</p> <p>18 A. I said, "I think you need an attorney,"</p> <p>19 and I knew an attorney who had done some</p> <p>20 employment law and I gave him a call -- first I</p> <p>21 asked Ryan if I could give him a call, and Ryan</p> <p>22 said sure. I gave this fellow a call. He was</p> <p>23 available that night. I put him together with</p> <p>24 Ryan and. . .</p>	<p style="text-align: right;">Page 31</p> <p>1 A. And I went back and looked -- Christmas</p> <p>2 was on a Friday that year, the 25th. Drake,</p> <p>3 Hileman & Davis usually closed on the 24th, so I</p> <p>4 believe it was the 23rd, the day before the</p> <p>5 holiday. Then when we got back, he was going to</p> <p>6 continue his investigation.</p> <p>7 When we got back in January of that year,</p> <p>8 he called me or I called him. That's when I found</p> <p>9 out that Romig had resigned on the 5th and the</p> <p>10 following night, Thursday, was a board meeting, so</p> <p>11 that was the 7th.</p> <p>12 And I think there is a note -- I don't</p> <p>13 know if it says, but there is some reason that led</p> <p>14 me to believe that the board meeting was -- yes,</p> <p>15 "Meeting on Thursday evening, January 7th."</p> <p>16 Q. You're talking about the last sheet?</p> <p>17 A. The last sheet, the one that's on the</p> <p>18 white paper.</p> <p>19 Q. Okay.</p> <p>20 A. So, if that was the meeting, then I know</p> <p>21 I had to be talking to him on the 6th.</p> <p>22 Q. What about the second telephone</p> <p>23 conversation with Mr. Clymer? You had one on</p> <p>24 December 23rd, one on January 6th.</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. Okay.</p> <p>2 MR. RUSSELL: And what? Just so</p> <p>3 the record is clear.</p> <p>4 THE WITNESS: And no contact after</p> <p>5 that. That was it.</p> <p>6 BY MR. GROTH:</p> <p>7 Q. And that was Brett Mandes?</p> <p>8 A. That was Brett Mandes.</p> <p>9 Q. Do you know if he attended the meeting?</p> <p>10 A. I do know he attended the meeting.</p> <p>11 Q. A couple things about what you just</p> <p>12 testified to. You said the first call that you</p> <p>13 had from Mr. Clymer was on December 23rd, and the</p> <p>14 last telephone conversation you had with him was</p> <p>15 on January 6th. Is that correct?</p> <p>16 A. Substantive. When I found out I was</p> <p>17 getting out of the case, I called him to say "Hey,</p> <p>18 I can't handle this. Do you want me to try to</p> <p>19 find another lawyer?"</p> <p>20 Q. How do you know those dates since there</p> <p>21 are no dates on your notes?</p> <p>22 A. Ryan called me right before Christmas the</p> <p>23 first time.</p> <p>24 Q. All right.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Two on January 6th.</p> <p>2 Q. Two on January 6th. Were those the three</p> <p>3 conversations? Those were the only three</p> <p>4 conversations?</p> <p>5 A. Correct.</p> <p>6 Q. Nothing between December 23rd and January</p> <p>7 6th.</p> <p>8 A. Right.</p> <p>9 Q. Tell me what the conversation was between</p> <p>10 you and Mr. Clymer on December 23rd, 2009. And</p> <p>11 you're free to refer to your notes to refresh your</p> <p>12 recollection.</p> <p>13 A. Well, Ryan called me -- and I believe it</p> <p>14 was the 23rd of December 2009 -- and said that he</p> <p>15 had a situation at his school -- and by the way,</p> <p>16 I'm almost positive Ryan was in Alabama when we</p> <p>17 were having this phone conversation on December</p> <p>18 23rd. He evidently had some relatives down there</p> <p>19 and was spending the holidays.</p> <p>20 He said that a girl had come to him</p> <p>21 several days before -- it could have been the</p> <p>22 previous week, end of the week -- and said that</p> <p>23 she had been getting some inappropriate text</p> <p>24 messages from a coach.</p>

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<p>1 Q. Did he tell you the name of the girl?</p> <p>2 A. Yes, he did.</p> <p>3 Q. Did he tell you the name of the coach?</p> <p>4 A. Yes, he did.</p> <p>5 Q. Did he tell you what the inappropriate</p> <p>6 text.messages were that were being alleged?</p> <p>7 A. I wrote down the four that I believe he</p> <p>8 gave me. They're found at the bottom of this</p> <p>9 page.</p> <p>10 The girl claimed that in the text message</p> <p>11 he said "I love you"; the second, "I'm going to be</p> <p>12 leaving my wife"; third, "I'll wait for you if you</p> <p>13 want to marry me"; and fourth, "I want to get with</p> <p>14 you."</p> <p>15 Q. And those are the four -- I'm going to</p> <p>16 mark these pages at the bottom pages one, two,</p> <p>17 three, four, five and six, just so we know what</p> <p>18 page we're referring to.</p> <p>19 Those are the four notes that are in dark</p> <p>20 ink at the bottom of the first page, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Before we go on with that conversation,</p> <p>23 let me ask you a question about what you've</p> <p>24 already testified to. Your recollection is that</p>	<p>1 but let me ask you with regard to that last</p> <p>2 answer: Did you know that information back in</p> <p>3 2009, or was it your own recollection that the</p> <p>4 girl went voluntarily to Mr. Clymer?</p> <p>5 A. I don't think she went voluntarily. I</p> <p>6 have this note here that says "Brought girl in."</p> <p>7 Q. Where is that?</p> <p>8 A. Kind of -- I apologize for my writing.</p> <p>9 Q. That's okay.</p> <p>10 A. The middle of the page. It's next to</p> <p>11 "7th, brought girl in." So, I think this mother</p> <p>12 brought the girl in.</p> <p>13 Q. Okay.</p> <p>14 A. I had no idea who that mother was then.</p> <p>15 Q. The four alleged inappropriate texts that</p> <p>16 Emily Mayer said she received were to the effect</p> <p>17 of what she wrote here, according to Mr. Clymer,</p> <p>18 "I love you; I'm going to be leaving my wife" --</p> <p>19 is that "leaving"?</p> <p>20 A. Yes, it is.</p> <p>21 Q. (Continuing) -- and the last one is</p> <p>22 "I'll. . .</p> <p>23 A. The third one is "I'll wait for you if</p> <p>24 you want to marry me."</p>
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<p>1 the girl -- who was Emily Mayer? Is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. Is her name written on the page</p> <p>4 somewhere -- oh, I see it. In the middle?</p> <p>5 A. Yes.</p> <p>6 Q. To the right?</p> <p>7 A. Yes.</p> <p>8 Q. (Continuing) -- you said the girl came to</p> <p>9 him. Did he tell you that she voluntarily came to</p> <p>10 him to report this?</p> <p>11 A. I believe she was brought by a woman.</p> <p>12 The way this came down -- and my notes don't say</p> <p>13 this, but my recollection, as good as that is six</p> <p>14 years ago, was that this Emily Mayer had told one</p> <p>15 of her friends, and either the friend told her</p> <p>16 mother or the mother overheard them talking, and</p> <p>17 it was this mother who then said "Well, you need</p> <p>18 to go see Mr. Clymer."</p> <p>19 Q. I know you already know this, but let me</p> <p>20 just say it: I'm really interested in what you</p> <p>21 knew back in 2009, not what you read in Mr.</p> <p>22 Clymer's deposition or Emily Mayer's deposition or</p> <p>23 her father's deposition, whatever.</p> <p>24 So, I know it's hard to juggle the two,</p>	<p>1 Q. And the last one was "I want to get with</p> <p>2 you."</p> <p>3 A. Correct.</p> <p>4 Q. What other information did Mr. Clymer</p> <p>5 give you during that first phone call?</p> <p>6 A. Well, we talked a lot. I said do you</p> <p>7 have the text messages, and he did not. Now,</p> <p>8 before talking to me, my recollection is that Ryan</p> <p>9 talked to the girl's parents and he also talked to</p> <p>10 Romig.</p> <p>11 Q. Was that your impression, or did he tell</p> <p>12 you that?</p> <p>13 A. I'm pretty sure he told me that. And</p> <p>14 looking at my notes, that's how I know some of</p> <p>15 these -- that's how my notes would contain certain</p> <p>16 things here.</p> <p>17 Q. Okay.</p> <p>18 A. So, I asked him if he had the text</p> <p>19 messages; he said no, that he was hoping to get</p> <p>20 them.</p> <p>21 And I asked, well, how. And he said that</p> <p>22 Emily Mayer's stepfather, I believe it is -- I</p> <p>23 believe it's Smith; I don't know his first name.</p> <p>24 Mr. Smith thought he could get them.</p>

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<p>1 In fact, he already -- by the time Ryan 2 had spoken to me, Mr. Smith was able to get the 3 logs for the phone records from October 4th to 4 November 30th. He was able to get them, and they 5 showed a thousand texts -- I'd say over a thousand 6 texts. In parenthesis I have 1,077. This is on 7 page two. 8 Mr. Smith was going to be getting the 9 logs from December and also believed he could get 10 the actual content of the text messages 11 themselves. 12 Q. You had worked in the DA's Office for a 13 period of time? 14 A. I did not. 15 Q. Oh, okay. Other people in your office 16 have. 17 A. Mr. Hileman, yes, and Mr. Blackburn. 18 Q. Did you back at that time know what could 19 be done to actually obtain the content of deleted 20 text message off a cell phone? 21 A. I did not. I have no idea. 22 Q. Do you know now? 23 A. Not really. 24 Q. Okay, go ahead.</p>	<p>1 A. "I wouldn't do that." 2 Q. "I wouldn't do that." At that time did 3 you know that Eric Romig had gone all through 4 school, from I think first grade through 5 graduation at FCA, with Ryan Clymer as classmates? 6 A. I didn't know that, but toward the end of 7 the conversation I was trying to size up who the 8 people were. I say tell me about Mr. Romig, tell 9 me about Emily Mayer. 10 And I think during that conversation Ryan 11 said "I've known," you know, "Romig a long time." 12 I don't know if he told me he went all through 13 school with him or anything like that, but he had 14 known him a long time. 15 Q. What's the next note under that note? 16 A. I can't. . . 17 Q. "Preview. . . 18 A. I couldn't get it. I can read this: 19 "Apparently false" is the other one. 20 Q. Right. 21 A. I couldn't get that one. I even asked my 22 secretary if she could read that, and she said no. 23 Q. What's the word that you crossed out? Do 24 you know that? Is it "previous"?</p>
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<p>1 A. So, that was one thing he said to me. He 2 said he had confronted Romig and Romig said -- 3 this should be at the top of page two: "That's 4 ridiculous. You know me. I wouldn't do that." 5 I asked Ryan if the girl had any of these 6 text messages, and he said no. I said any. He 7 said not one, all right? 8 I asked if he had shown them to anybody, 9 and evidently Emily showed one text message to her 10 boyfriend, but it wasn't about this. It had 11 something to do with the boyfriend. It didn't 12 have anything to do with this. 13 I asked if he discussed anything with 14 her, and Emily evidently said that Ryan should 15 check with a girl who had graduated a few years 16 ago, that she may have had a relationship or 17 something. He didn't get specific. That girl's 18 name was Lauren Fretz. 19 Q. Let me stop you for one minute. At the 20 top of page two, you're saying that the coach, 21 Eric Romig, said, you know, that it was ridiculous 22 that these allegations were being made; "you know 23 me. I couldn't do that." Is that what it says in 24 your note?</p>	<p>1 A. I don't know. Looks like "preview." 2 Q. Okay. What else did Mr. Clymer tell you? 3 A. Well, he said that he had talked to 4 Lauren Fretz, who he knew, and I said, well, what 5 did she say? 6 Q. This is all on the 23rd, right? 7 A. This is on the 23rd. This is in the 8 first conversation. 9 Q. All right. 10 A. And she said, "No. Ewww, not with coach, 11 no. Nothing ever happened between coach and me." 12 Q. Is that in a note somewhere? 13 A. This says "Lauren, a player, graduated 14 one or two years ago." 15 Q. Where is that? 16 A. That's at the bottom of page two. 17 Q. Got it. 18 A. But I have a clear recollection, clear, 19 of Ryan saying that she said nothing had ever 20 happened. 21 Q. What does your note read after the word 22 "Lauren, a player, graduated"? 23 A. "With" or "from her two years ago. I'm 24 going to leave my wife."</p>

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<p>1 Q. What does that mean?</p> <p>2 A. I'm not sure. I don't know if he asked</p> <p>3 her did she say that. I don't know if he asked</p> <p>4 her if she said anything like that to him. I just</p> <p>5 was writing as we were talking.</p> <p>6 Q. I'm trying to get the context from the</p> <p>7 note. "A player graduated around two years ago.</p> <p>8 I'm going to leave my wife."</p> <p>9 A. Oh, okay.</p> <p>10 Q. Go ahead.</p> <p>11 A. Lauren said nothing had ever happened</p> <p>12 between her and the coach.</p> <p>13 Q. That's not written down here, right?</p> <p>14 A. Right. But then she says a player</p> <p>15 graduated with her two years ago; she may have</p> <p>16 said to him "I'm going to leave my wife," and that</p> <p>17 is Christine Kennedy.</p> <p>18 I asked Ryan, I said, "Did you talk to</p> <p>19 Christine Kennedy?" He said "No. I have a phone</p> <p>20 call in to her, but I haven't heard back from</p> <p>21 her."</p> <p>22 Q. Just so the record is clear, it's Kristen</p> <p>23 Kennedy, K-r-i-s-t-i-n. I know you have it spelled</p> <p>24 Christine, but so we're referring to the same</p>	<p>1 Q. What else did Mr. Clymer tell you?</p> <p>2 A. I asked him about Emily and I asked him</p> <p>3 about Romig, and in regard to Emily he said that</p> <p>4 she had had -- she is relatively new to the</p> <p>5 school; that there had been some discipline issues</p> <p>6 with her, but he didn't make that a big deal or</p> <p>7 anything like that. He didn't emphasize that. He</p> <p>8 didn't think that she shouldn't be believed or</p> <p>9 anything, just that there had been some issues.</p> <p>10 I said, well, what about Romig? And he</p> <p>11 said, basically, Romig had been there for a long</p> <p>12 time. He was known by a lot of people. He was a</p> <p>13 good coach. He was well liked.</p> <p>14 I asked him if there had ever been any</p> <p>15 incidents involving Romig in the past, and he said</p> <p>16 not with Romig per se. He said the previous</p> <p>17 year -- and texting was all very new at this time.</p> <p>18 He had indicated that the teachers, the</p> <p>19 coaches had been instructed not to text their</p> <p>20 players, or at least male coaches were instructed</p> <p>21 not to text their players.</p> <p>22 I said, was that because of something</p> <p>23 that he did? Had there been a complaint? He said</p> <p>24 no, that was just a policy -- I don't think it was</p>
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<p>1 person.</p> <p>2 A. All right.</p> <p>3 MR. SANTARONE: It's t-e-n.</p> <p>4 MR. GROTH: t-e-n, thank you.</p> <p>5 BY MR. GROTH:</p> <p>6 Q. You have Kristen Kennedy's name and then</p> <p>7 what after that, "gone two years ago"?</p> <p>8 A. "Gone two years."</p> <p>9 Q. Then your notes say "Over 1,000 texts</p> <p>10 (1,077)." Those are to Emily Mayer, correct?</p> <p>11 A. Texts to Emily Mayer, correct.</p> <p>12 Q. Let me ask you one more question about</p> <p>13 these notes: October 4th to November 30th, above</p> <p>14 Kristen Kennedy's name, what's that represent? Oh,</p> <p>15 phone records.</p> <p>16 A. They're the phone records that Mr. Smith</p> <p>17 was able to get that showed over a thousand texts.</p> <p>18 Now, there is no breakdown -- in</p> <p>19 subsequent conversations it had breakdowns between</p> <p>20 Emily -- the ones she sent and the ones Romig</p> <p>21 sent. This one was over a thousand texts. I</p> <p>22 don't know if it was back and forth --</p> <p>23 Q. One way or both ways.</p> <p>24 A. You're right.</p>	<p>1 a written policy -- that people thought that was</p> <p>2 not a good idea. So, I don't think it was limited</p> <p>3 to Romig. I think coaches were not supposed to</p> <p>4 text.</p> <p>5 Q. Your notes says "Told him last year not</p> <p>6 to text." Is that right?</p> <p>7 A. Correct.</p> <p>8 Q. "Him" referring to Romig.</p> <p>9 A. "Him" referring to Romig, but I believe</p> <p>10 that was not just Romig.</p> <p>11 Q. In general.</p> <p>12 A. Right, in general.</p> <p>13 Q. But did Mr. Clymer tell you that he had a</p> <p>14 specific issue with Mr. Romig himself in texting</p> <p>15 players the previous year?</p> <p>16 A. He may have said that Romig texted -- and</p> <p>17 I was very clear: I said, well, was there</p> <p>18 anything inappropriate, anybody alleging anything</p> <p>19 like that? He said no. I think it was just the</p> <p>20 idea of him texting, and maybe a parent or so</p> <p>21 didn't like that.</p> <p>22 Q. Let me go back to my question: Did Mr.</p> <p>23 Clymer tell you that there was an issue where Mr.</p> <p>24 Romig himself was texting a female student the</p>

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<p>1 year before Emily's Mayer's report or complaint?</p> <p>2 A. My impression is that he would text his</p> <p>3 players, females. And they were girls. I didn't</p> <p>4 know it was one specific person, but I did -- I</p> <p>5 was trying to find out who to believe here.</p> <p>6 Q. Sure.</p> <p>7 A. I said, has anybody else said he made</p> <p>8 inappropriate comments to them? And that was</p> <p>9 clearly no, nothing was inappropriate. But the</p> <p>10 act of texting, yes.</p> <p>11 Q. Did he tell you that Tracy Fretz, Lauren</p> <p>12 Fretz' mother, had an issue with Mr. Romig texting</p> <p>13 her daughter before this Emily Mayer situation</p> <p>14 arose?</p> <p>15 A. No.</p> <p>16 Q. When you said this was not a written</p> <p>17 policy about texting but people were told not to</p> <p>18 text players, was that just with regard to male</p> <p>19 coaches and female players, or even male coaches</p> <p>20 and male players, or it wasn't even discussed?</p> <p>21 A. I don't believe it was discussed. I was</p> <p>22 just trying to find out if Romig had a history of</p> <p>23 doing what he was being alleged to have done.</p> <p>24 Q. But in any event, from the information</p>	<p>1 that Romig had said "I love you, I want to marry</p> <p>2 you," that that was so completely inappropriate</p> <p>3 that he could not continue to teach in Faith</p> <p>4 Christian Academy or, really, any school. It was</p> <p>5 just completely outside the bounds of what could</p> <p>6 happen, but he didn't know that at the time.</p> <p>7 But he talked to Mr. Smith, and Ryan was</p> <p>8 thinking ahead and wanting to know, if his</p> <p>9 investigation were to reveal where he got to the</p> <p>10 point where he believed Emily was more likely</p> <p>11 accurate on this than Romig, you know, could he</p> <p>12 terminate Romig. So, then we got involved in a</p> <p>13 conversation about termination.</p> <p>14 Q. Okay.</p> <p>15 A. And I told him "He's an employee-at-will,</p> <p>16 so yes, you can terminate him. However, I don't</p> <p>17 know if you want to terminate him for -- accuse</p> <p>18 him of something that you really don't have any</p> <p>19 proof on." In fact, the proof probably tipped the</p> <p>20 other way at that point.</p> <p>21 I said, "If you told him not to text and</p> <p>22 he's texting with a thousand messages, you could</p> <p>23 terminate him on that. "And could he sue me?"</p> <p>24 Yes, he could sue you. That's a possibility. You</p>
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<p>1 Mr. Clymer gave you, it was your impression that</p> <p>2 if Mr. Romig was texting one of his players,</p> <p>3 regardless of the content of the text, that was</p> <p>4 against the school's policy.</p> <p>5 A. Absolutely.</p> <p>6 Q. Okay.</p> <p>7 A. And one of the main reasons that Ryan was</p> <p>8 suspicious of Mr. Romig.</p> <p>9 Q. Aside from the number of texts?</p> <p>10 A. The number -- when we finished our</p> <p>11 conversation, we went over what there was. And</p> <p>12 Romig had been told not to text and he had</p> <p>13 allegedly texted a thousand.</p> <p>14 On the other hand, you know, Emily Mayer</p> <p>15 made a claim. She didn't keep any of the text</p> <p>16 messages. No one had seen any of them. And the</p> <p>17 one lead she gave to Ryan turned out to go</p> <p>18 nowhere. At least, Lauren Fretz was pretty</p> <p>19 adamant that she didn't have a relationship.</p> <p>20 So, Ryan was thinking, well, I'm going to</p> <p>21 keep doing some investigation here, and we talked</p> <p>22 about getting the messages would be great because</p> <p>23 then we'd see what was there.</p> <p>24 And by the way, if it could ever be shown</p>	<p>1 can't stop one from doing that.</p> <p>2 And I said, therefore, if Romig is</p> <p>3 willing to resign, that would likely take away --</p> <p>4 it would do a couple things: It would take away</p> <p>5 to some degree Romig's ability to sue, not that</p> <p>6 Romig still couldn't sue; and also it would --</p> <p>7 Romig had a following in the school.</p> <p>8 People believed Romig very strongly.</p> <p>9 It's one thing if you fire a guy. It's another</p> <p>10 thing if a guy resigns himself.</p> <p>11 So, Ryan didn't know what he was going to</p> <p>12 do, but I kind of laid it out for him. I asked him</p> <p>13 what's happened, and he said before he left he had</p> <p>14 asked both parties to step away from the team, the</p> <p>15 coach and Emily.</p> <p>16 And he was, I think, in Alabama -- it</p> <p>17 could have been Georgia, but I think it was</p> <p>18 Alabama -- and when he got back he would finish up</p> <p>19 his investigation or he would continue it, at</p> <p>20 least, and hoping we could have those text</p> <p>21 messages.</p> <p>22 Q. Okay. Did he tell you during that first</p> <p>23 telephone call that, even after Emily Mayer made</p> <p>24 these accusations and allegations about Mr.</p>

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<p>1 Romig's inappropriate text messages to her, that</p> <p>2 he allowed Eric Romig to coach a practice after</p> <p>3 those accusations were made and actually to coach</p> <p>4 a game?</p> <p>5 A. We did not discuss that at all on the</p> <p>6 23rd, to my recollection.</p> <p>7 Q. Did Mr. Clymer tell you that he did send</p> <p>8 Emily Mayer home as soon as she made the</p> <p>9 accusations, told her to leave school?</p> <p>10 MR. SANTARONE: Objection to the</p> <p>11 form of the question.</p> <p>12 A. My recollection is that -- and again I</p> <p>13 don't know exactly the day. It was right before</p> <p>14 the Christmas break. It could have been last day</p> <p>15 of school. My recollection is that they were</p> <p>16 separating from the team, Emily's parents had been</p> <p>17 notified, Romig was denying it, and he would</p> <p>18 continue his investigation when he got back.</p> <p>19 Q. All right. Do you recall anything about</p> <p>20 your first conversation on the phone with Mr.</p> <p>21 Clymer other than what we've already discussed?</p> <p>22 A. I mean, I don't. I'm sure there could</p> <p>23 have been some other things, but nothing is coming</p> <p>24 to mind right now.</p>	<p>1 marry her; he loves her; he wants to be with her.</p> <p>2 That's how I took that.</p> <p>3 Q. You didn't take that as a sexual</p> <p>4 connotation at all.</p> <p>5 A. I didn't take that as a sexual</p> <p>6 connotation at all, and I did not take it in any</p> <p>7 way that Romig at that point was trying to entice,</p> <p>8 induce, coerce or persuade Emily to engage in an</p> <p>9 explicit sexual act, if These messages were even</p> <p>10 true.</p> <p>11 Q. If Mr. Clymer had reported to you that</p> <p>12 Emily told him that one of the text messages from</p> <p>13 Clymer said "I want to be in you --</p> <p>14 MR. RUSSELL: Just objection to</p> <p>15 the form of the question to the extent that</p> <p>16 it calls for --</p> <p>17 MR. GROTH: I didn't finish the</p> <p>18 question yet.</p> <p>19 MR. RUSSELL: I thought that was</p> <p>20 the question.</p> <p>21 MR. GROTH: Can I finish the</p> <p>22 question first?</p> <p>23 MR. RUSSELL: Sure.</p> <p>24 MR. GROTH: Thanks.</p>
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<p>1 Q. During that conversation was there any</p> <p>2 discussion between you and Mr. Clymer at all about</p> <p>3 the requirements of the Child Protective Services</p> <p>4 Law in Pennsylvania and whether or not the</p> <p>5 accusations that Emily Mayer was making should be</p> <p>6 reported to outside authorities?</p> <p>7 A. I do not recall that at all. In</p> <p>8 preparing for this deposition today, I acknowledge</p> <p>9 to you I did read Ryan's deposition and I read</p> <p>10 Emily's, and both say that during that</p> <p>11 conversation Emily had never said anything was</p> <p>12 sexual. Very inappropriate, and I want to</p> <p>13 emphasize that.</p> <p>14 If a coach is saying these types of</p> <p>15 things, that coach is going to be out of there.</p> <p>16 He did not raise it nor did I think, oh, gee, this</p> <p>17 is sexual exploitation or abuse.</p> <p>18 Q. And how did you interpret the information</p> <p>19 Mr. Clymer gave you when he told you that Eric</p> <p>20 Romig supposedly sent a text saying "I want to get</p> <p>21 with you"? How did you interpret that?</p> <p>22 A. Consistent with that he wanted to be with</p> <p>23 her. If Romig said this, he obviously has a very</p> <p>24 weird infatuation with a young girl: Wants to</p>	<p>1 BY MR. GROTH:</p> <p>2 Q. If Mr. Clymer had told you that one of</p> <p>3 the text messages that Emily said she got from Mr.</p> <p>4 Clymer was "I want to be in you," would you have</p> <p>5 considered that to be a sexual connotation?</p> <p>6 MR. RUSSELL: Just objection to</p> <p>7 the form of the question to the extent that</p> <p>8 it calls for speculation. He's not here as</p> <p>9 an expert witness on that, but you can go</p> <p>10 ahead and answer.</p> <p>11 THE WITNESS: That was not a fact</p> <p>12 before me at that time. Now, I did learn</p> <p>13 about that "in you" comment, that only one,</p> <p>14 on January 6th, but I can't say what I would</p> <p>15 have said on December 23rd.</p> <p>16 BY MR. GROTH:</p> <p>17 Q. Based upon your familiarity and knowledge</p> <p>18 of the Child Protective Services Law in</p> <p>19 Pennsylvania, is that the type of communication</p> <p>20 from a coach to a student that could be viewed as</p> <p>21 exploitation?</p> <p>22 MR. SANTARONE: Pre the 2014</p> <p>23 changes.</p> <p>24 MR. GROTH: Pre the 2014 changes.</p>

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